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**Treaties as a central diplomatic tool in the ‘legal’ pacification, and colonisation of the
Western Lower Niger, 1884- 1914**

By

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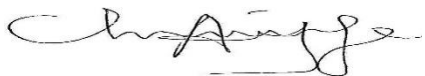
PhD, March 2021

Declaration

I, Ekpotuatin Charles Ariye, do here in affirm that this research is an original doctoral thesis written by me, and that I did not receive any assistance or help from any other individual(s), except my Supervisors who guided me as their statutory responsibility. The primary and secondary sources used in this work have all been appropriately acknowledged in the relevant citation sections and the bibliography.

Keele University, October 2020

(Signed)

A handwritten signature in black ink, appearing to read 'Charles Ariye', with a horizontal line underneath.

Ekpotuatin Charles Ariye

Abstract

This thesis is a case study of Great Britain's colonisation of a few indigenous, contiguous peoples of the Western Lower Niger from 1884 to 1914. These are the Itsekiri, the Western Ijo, the Urhobo, the Isoko and the Ukwuani of present-day Delta State of Southern Nigeria. These case studies were used to ascertain whether, between treaty diplomacy and conquest, which was the central means employed by Great Britain in the colonisation process. The existing standard historiography of Great Britain's expansion in Nigeria had often emphasised the theme of violence in Great Britain's relations with indigenous peoples, leaving out totally or paying scant attention to instances of treaty-making. This dissertation challenged this long-held narrative of force as a general means of empire-building by Great Britain in Nigeria. This gap in the standard historiography engendered an understanding of the legal background of European colonialism, bringing out the influence of legal Positivism, the creation of hierarchies of sovereignties, of civilized and uncivilized societies, and how these concepts were used by Europeans to justify empire-building. The practicalities of Great Britain's use of treaties for colonisation in other areas before the Scramble were highlighted, to indicate, the deployment of legal tools for territorial acquisition and colonisation. The combination of treaty-making, the role of men on the spot, driving the colonial process, and indigenous conditions were reflected on within the context of this dissertation to argue, in the face of the available evidence that, Great Britain's colonisation of the case study areas was mainly through treaty diplomacy and not by military conquest as was the case with some other Nigerian groups. This research adds to recent historiography that explored previously under-investigated aspects of the age of empire; that in some cases in the course of expansion, the use of force was not a first step choice for the imperial power.

Dedication

To my dear wife and children, for enduring my long absence

Onajite Edna Oghoghorie Ariye (wife)

Annabel Asenoguan (foster daughter)

Okubotin Ariye (son)

Ebilabo Ariye (daughter)

Oyinua Ariye (son)

Fun-Ere Ariye (daughter)

And

to the memory of my parents: Mrs. Elizabeth Ariye (Nee Yibowei), and Chief Christmas Ariye, who passed on in October 2013, and March 2017, respectively

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List of Abbreviations

NAC	National African Company
UAC	United African Company
RNC	Royal Niger Company
NAI	National Archives Ibadan (Nigeria)
NAE	National Archives Enugu (Nigeria)
TNA	The National Archives: Kew, London
NZC	New Zealand Company
DEIC	Dutch East Indian Company

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Nigeria



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Figure 1 Political Map of Africa showing the geographical location of Nigeria¹

¹ Available from <https://www.activityvillage.co.uk/nigeria>

Introduction

Nigerian historians pay little or no attention to the important and extensive use of treaty-making used during Britain's colonization of Nigeria. Instead, the depiction of the encounters between Great Britain and the various indigenous peoples and polities of Nigeria is depicted as a violent process in which the imperial power imposed its will on indigenous societies through force of arms or threat of its use. The dominant scholarly narrative is often a tale of British aggression and the dogged resistance by local people to alien domination.²

However, historical records for this region of Nigeria indicate otherwise. There is evidence that officials of Great Britain often resorted to negotiating treaties of protection, containing capitulation clauses, specifically as a way of achieving a non-military form of imperial penetration and hegemony. Furthermore, many indigenous groups, for a variety of reasons outlined in the ensuing chapters, actively embraced such treaties. While such treaties, once concluded, served as tools in a first step towards colonizing indigenous groups, the use of treaties was often a very successful form of non-violent colonisation. By examining the treaty content and what is known about the negotiations surrounding these treaties, scholars gain a much better insight into the ways Africans and British participants engaged with the process and with each other, offering a much more complex depiction of power relations, especially in the early period, than current scholarship allows. Africans cannot be seen

² J. M. Ayuba, 'Resistance to British Rule in Central Nigeria During the Colonial Period,' in Joseph Mangut and Terhemba Wuam (Eds), *Colonialism and the Transition to Modernity in Africa* (Lapai: Ibrahim Babangida University Press, 2012); A. Adu Boahen, *African Perspectives on European Colonialism* (New York: Diaspora African Press, 2011); Falola, T, and M. M. Heaton, *A History of Nigeria* (Cambridge: University Press, 2008); Obaro Ikime, *The Fall of Nigeria: The British Conquest* (London: Heinemann, 1977); Elizabeth Isichei, *A History of Nigeria* (London: Longman, 1983), *A History of Igbo People* (London: Macmillan Publishers, 1976); Philip Igbafe, 'Western Igbo Society and its Resistance to British Rule: The Ekumeku Movement, 1898-1911,' *Journal of African History*, Vol. 12, No. 3, 1973; T. N. Tamuno, *The Evolution of the Nigerian State the Southern Phase, 1898-1914* (London: Longman, 1972); J. C. Anene, *Southern Nigeria in Transition 1885-1906: Theory and Practice in a Colonial Protectorate* (Cambridge: University Press, 1966).

merely as victims of British violent conquest but as individuals negotiating with British representatives. Examining those British representatives is also important; these men on the spot acting as imperial ‘bridgeheads’, were engaged not only in treaty-making but also making efforts to establish good relations with the indigenous peoples through knowledge and recordings of their systems as a specific project. ‘Bridgeheads’ were individual British subjects and imperial officials; men on ground connecting the spheres of influence with the metropole, and driving the imperial process.³ John Darwin has underlined the importance of such sub-imperial agents as key to Great Britain’s empire-building endeavour.⁴ Often, their early relations with indigenous groups served as foundations for later imperial expansion.⁵ According to Darwin, Britain’s Atlantic empire was a series of early informal coastal settlements annexed through cession treaties with sub-imperial agents such as consuls, settlers, traders, missionaries, and the military playing significant roles in a mix of multiple interests accentuated by the metropole and local conditions.⁶ Despite this knowledge, the focus of most accounts concerning British expansion in Africa has been mainly on the theme of conquest and resistance, ignoring instances of non-violent colonisation through diplomacy.

Thus, in this study, the role of men on the spot acting as early bridgeheads in Great Britain’s relations with the study groups are explored within the broader narrative of British

³ David Lambert and Alan Lester (Eds), *Colonial Lives Across the British Empire: Imperial Careering in the Long Nineteenth Century* (Cambridge: University Press, 2006); John Darwin, ‘Imperialism and the Victorians: The Dynamics of Territorial Expansion,’ *English Historical Review*, Vol. 112, No. 447, 1997.

⁴ John Darwin, ‘Imperialism and the Victorians: The Dynamics of Territorial Expansion,’ *English Historical Review*, 112, No. 447, June 1997.

⁵ Bronwen Everill, ‘Bridgeheads of Empire? Liberated African Missionaries in West Africa,’ *The Journal of Imperial and Commonwealth History*, Vol. 40, No. 5, 2012; A. G. Hopkins, ‘Property Rights and Empire Building: Britain’s Annexation of Lagos, 1861,’ *The Journal of Economic History*, Vol. 40, No. 4, 1980; Robert S. Smith, ‘The Lagos Consulate, 1851-1861: An Outline,’ *Journal of African History*, Vol. XV, No. 3, 1974.

⁶ John Darwin, *The Empire Project: The Rise and Fall of the British World System, 1830-1970* (Cambridge: University Press, 2009).

encroachment into the hinterlands in the wake of the Scramble for Africa.⁷ Historians of the British colonisation of India have long recognized the ways that such men (they were almost always men) documented the ethnography and geography of indigenous areas as part of a form of peaceful empire-building, one which hinged on imperial imaginations and quest to know more about the cultural basis of the indigenous peoples and societies. Such knowledge gathering was firmly part of the British imperial enterprise in Nigeria as well, but an enterprise which, while not entirely peaceful, deviates considerably from the current Nigerian scholarship of violent conquest.⁸ Moreover, the factor of indigenous agency in the European-African encounter has also been downplayed. The narrative is often one of the colonized as passive participants in the process, even though in some instances, as was the case with some of the study groups, the people openly welcomed British officials to their domains. This reinforces views by some scholars that local conditions in the peripheries and indigenous collaboration also engendered colonialism.⁹

In this vein, this study challenges the dominant view by historians of Nigeria which places premium on a few instances of Great Britain's use of military conquest as a blanket ascription for British expansion in Nigeria in general. Employing a distinctive case study approach, and grounded in primary sources, this research addresses the gap inherent in the historiography of the place of treaty-making, knowledge gathering and indigenous agency in

⁷ K. O. Dike, *Trade and Politics in the Niger Delta 1830-1885: An Introduction to the Economic and Political History of Nigeria* (Oxford: Clarendon Press, 1956); Obaro Ikime, *Niger Delta Rivalry: Itsekiri-Urhobo Relations and the European Presence 1884-1936* (London: Longmans, 1969).

⁸ James Hevia, *The Imperial Security State: British Colonial Knowledge and Empire-Building in Asia* (Cambridge: University Press, 2015); Tony Ballantyne, 'Colonial Knowledge,' in Sarah Stockwell (Ed), *The British Empire: Themes and Perspectives* (London: Wiley-Blackwell, 2008); Bernard S. Cohn, *Colonialism and its Forms of Knowledge* (New Jersey: Princeton University Press, 1996).

⁹ C. A. Bayly, *The Birth of the Modern World, 1780-1914: Global Connections and Comparisons* (Oxford: Blackwell Publishing, 2004); R. Robinson and J. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: MacMillan, 1961).

the process of Great Britain's colonisation of the *Itsekiri*, the *Western Ijo*, the *Urhobo*, the *Isoko*, and the *Ukwuani* indigenous groups [see, figure 2] of the Western Lower Niger of Nigeria from 1884-1914. These case study groups of Nigeria are geographically contiguous in the Western Niger Delta, and shared many cultural and political connections, but were also largely politically independent, and somewhat viewed by the British ambiguously. Thus, this study is essentially an enquiry into the encounters and interactions between formal and informal imperial agents of Great Britain and indigenous populations in the case study groups during the Scramble for Africa. Between 1880 and 1914, the whole of West Africa barring Liberia fell under European domination, and existing African polities lost their sovereignty, independence and territories. More importantly, at the end of the process, European political, economic and religious influences permeated and became permanent features in indigenous societies.

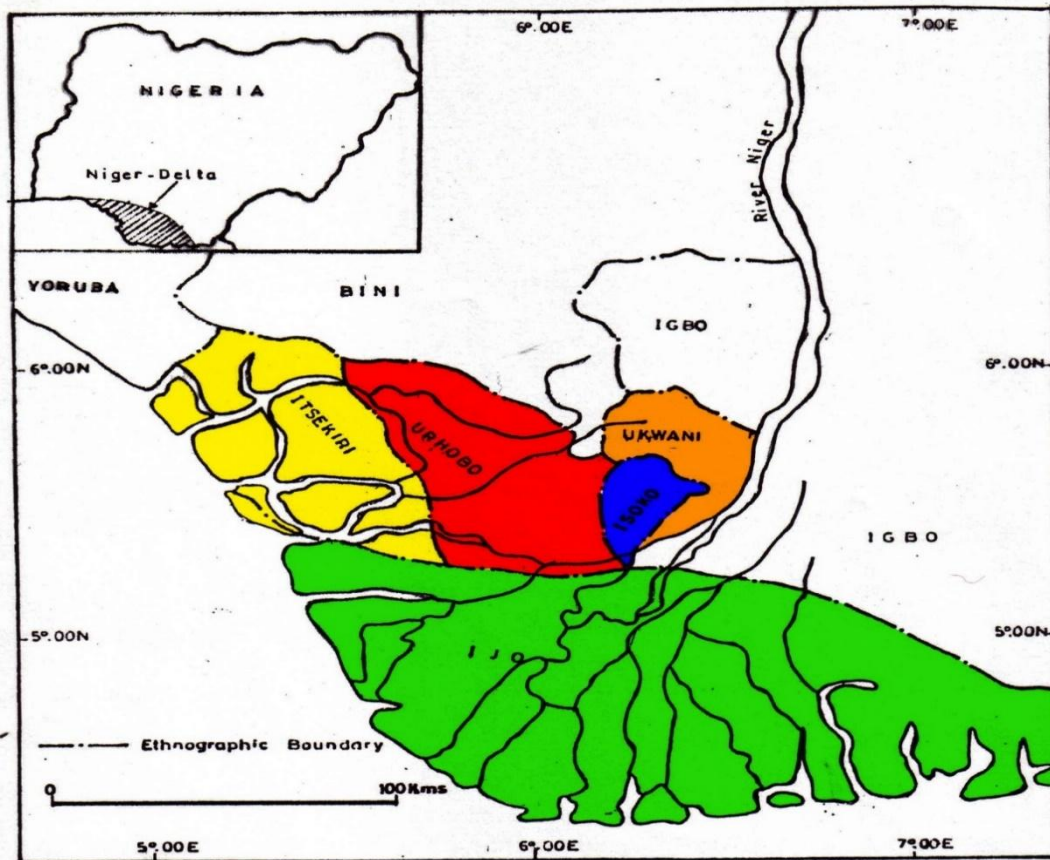


Fig.1: The Main Ethnic Nationalities of the Niger Delta.

Map drawn by Prof. Albert Aweto.
University of Ibadan, Nigeria
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Figure 2 Map of study Area showing the study groups: Itsekiri; Urhobo, Isoko, Ukwuani, and western Ijo.¹⁰

¹⁰ See Urhobo Historical Society, available from: www.waado.org/nigerdelta/Maps/NgDeltaEthnic-Aweto.html

In the Scramble for Africa, European powers adopted two main methods, namely, conquest and diplomacy. In the classical case of the annexation of Lagos in 1851, Great Britain employed ‘Gunboat diplomacy’ as a first step but still resorted to a treaty with the King of Lagos to concretise colonisation. This combination of show of force and treaty-making was also the norm in earlier subjugation of other indigenous groups in the Eastern Delta long before the onset of the general Scramble of 1884/85.¹¹ As M’Baye and Adu Boahen have noted, this earlier phase of European encroachment into Africa generally relied on a combination of treaty-making, military invasions and occupations.¹² Notwithstanding this notion, Nigerian historiography has largely ignored the role of treaty-diplomacy by the British in its expansionary enterprise.

The regions under review have also been largely absent from the grand narratives of conquest in the Lower Niger. Lacking the larger ethnic groups to the North and East, the Western Delta of the Niger River has been described as, a shatter region ostensibly on account of its ethnic diversity, political plurality and linguistic and cultural differences of its constituent indigenous groups.¹³ By 1914 when Great Britain amalgamated the two Protectorates of southern and northern Nigeria into a single Colony and Protectorate of Nigeria, and subsequently created the Warri Province, the five indigenous focus groups of this study, namely the Itsekiri, the Western Ijo, the Urhobo, the Isoko, and the Ukwuani

¹¹ The British annexation of Lagos in 1861 after concluding a treaty with King Dosunmu represents the first acquisition of Nigerian territory by Great Britain. A. G. Hopkins, ‘Property Rights and Empire Building: Britain’s Annexation of Lagos, 1861,’ *The Journal of Economic History*, Vol. 40, No. 4, 1980. Robert S. Smith, ‘The Lagos Consulate, 1851-1861: An Outline,’ *Journal of African History*, Vol. XV, No. 3, 1974.

¹² A. Adu Boahen, *African Perspectives on European Colonialism* (New York: Diasporic African Press, 2011); M’Baye Gueye and A. Adu Boahen, ‘African initiatives and resistance in West Africa, 1880-1914,’ *UNESCO General History of Africa. VII Africa Under Colonial Domination 1800-1935* (Berkeley: University of California Press, 1985).

¹³ Kalu N. Kalu, *State Power, Autarchy, and Political Conquest in Nigerian Federalism* (New York: Lexington Books, 2008). Olav Stokke, *Nigeria: An Introduction to the Politics, Economy and Social Setting of Modern Nigeria* (Uppsala: The Scandinavian Institute of African Studies, 1970).

became part of the new Warri Province.¹⁴ Scholarship often lumps these groups in with each other, and with neighbouring conquests, such as in Benin.¹⁵ This dissertation, in contrast, focuses in depth on the region of the Western Lower Niger which hydrologically remains part of a maze of river systems forming the delta of the great Niger River, with its streams and creeks, radiating out of the main Niger at a point some 200 miles below the confluence and about 120 miles from the sea [see figure 2].¹⁶ At this point, the Niger bifurcates into its two principal branches, the one to the east, which empties itself over a shallow bar at Akassa, called the Nun, and the western branch, that joins the Warri stream, below Burutu, entering the Atlantic as the Forcados.¹⁷ This western branch of the Niger, including the Atlantic coastline and its hinterlands defines the Western Lower Niger. The events identified, discussed and analysed in this research are about the various peoples that occupied the Western portion of the Niger Delta, and their relationship with the Europeans, particularly with Great Britain, before and during the Scramble for Africa.

The Research Context

The silence and or little attention given to treaty-making and diplomacy in studies of Great Britain's colonisation of Nigeria and on the Scramble for Africa in general is not attributable to a lack of source materials. Until this study, no effort has deliberately focused on

¹⁴ TNA, C. O. 879/119/8, Report by Sir F. Lugard to the Colonial Office on the Amalgamation of Northern and Southern Nigeria, 1919; A. E. Apena, A Socio-Economic History of the Western Delta During the Colonial Period, Unpublished PhD Thesis, University of Lagos, 1987; Kirk-Green, A. H. M., (Ed), *Lugard and the Amalgamation of Nigeria: A Documentary Record* (London: Cass, 1968); Obaro Ikime, 'Chief Dogho: The Lugardian System in Warri, 1917 – 1932,' *Journal of the Historical Society of Nigeria*, Vol. 3, No. 2, 1965.

¹⁵ P. A. Igbafe, Benin Under British Colonial Administration: The Impact of Colonial Rule on an African Kingdom 1897-1938 (London: Longman, 1979); Obaro Ikime, *The Fall of Nigeria: The British Conquest* (London: Heinemann, 1977).

¹⁶ W. M. W. Geary, *Nigeria Under British Rule* (London: Frank Cass & Co. LTD, 1965); M. Crowder, *The Story of Nigeria* (London: Faber and Faber, 1965, P. 187).

¹⁷ B. L. Nyanayo, I. Daminabo, and E. R. Aminigo, 'Environment,' in E. J. Alagoa, T. N. Tamuno, and J. P. Clark (Eds), *The Izon of the Niger Delta* (Port Harcourt: Onyoma Research Publications, 2005); Arthur Glyn Leonard, *The Lower Niger and Its Tribes* (London: Macmillan and Co, Limited, 1906).

examining the central role of treaty-making and diplomacy in British relations with the case study groups of this research. Thus, in essence, the study argues against suggestions, mainly by historians of Nigeria, that use of force constituted the major approach employed by the British in colonizing the case study areas.¹⁸ Instead, 'Treaties', diplomacy, and colonial knowledge were used to cultivate a soft power approach during pacification, legalization and eventual colonisation of these groups of the Western Lower Niger.

In the general historiography of Great Britain's colonisation of Nigeria, the attention given to the forceful removal and conquest of the likes of Jaja (1887), Nana (1894), the war on the Akassa (1895), and the Benin Expedition (1897), which were at best isolated instances, have unfortunately been applied as the standard British practice of empire-building in the Niger Basin.¹⁹ However, the reality of Great Britain's acquisition of the territories of the Western Delta which incorporates the study groups differs from the picture captured in the existing historiography. There are certain points that need consideration here. First, the sacking of a few indigenous potentates and polities such as Jaja, and the Benin kingdom by the military forces of Great Britain, does not warrant a blanket description of the use of force by Britain in the colonisation of the region. Clearly, it is not out of place to suggest that the tendency to generalize with a few examples of conquest emanated out of a deliberate or unintentional disregard of why the British and local Africans negotiated treaties with each other. The most cited case of imperial Gun-boat diplomacy, involving Nana of the Itsekiri, was more complicated, as demonstrated in chapter four, than currently recognized in the

¹⁸ See, Elizabeth Isichei, *A History of Nigeria* (New York: Longman, 1983); Igbofe, P.A, *Benin Under British Administration: The impact of Colonial Rule on an African Kingdom, 1897 - 1938* (New York: Humanities Press, 1979); Obaro Ikime, *The Fall of Nigeria, The British Conquest* (London: Heinemann, 1977). These Nigerian Historians are strong proponents of this view in relation to this area of study.

¹⁹ T. N. Tamuno, *The Evolution of the Nigerian State The Southern Phase 1898-1914* (London: Longmans, 1972).

existing historiography. The sacking of Nana's enclave of Ebrohimi by British forces in 1894 does not represent a prelude to the pacification of the whole of Itsekiriland.²⁰ Despite these isolated but prominent cases of the use of force by the imperial power to have its way with African leadership, evidence indicates that, Great Britain generally employed a combination of treaty-making and colonial knowledge of the people as means in the pacification of the groups of this study from a very early period in the age of empire.²¹ Surprisingly, these treaty-making episodes seem obscured in historiographies of British expansion in Nigeria by historians of Nigeria.²²

However, in recent years, innovative scholarship on the role of treaties in empire-building has emerged outside of Nigeria. Several studies by historical and legal scholars have devoted ample attention to and analysed the place of treaty-making and use in the European expansionist enterprise before and during the Scramble.²³ In a recent study by Saliha Belmessous and others, the emphasis is on how European powers acquired sovereign and political rights over indigenous peoples and their territories through negotiated cession treaties. A recent Nigerian legal scholar recognized this, asserting that in the case of the

²⁰ Obaro Ikime (Ed), *Groundwork of Nigerian History* (Ibadan: Heinemann, 1980); Obaro Ikime, *The Fall of Nigeria, The British Conquest* (London: Heinemann, 1977). For specific cases, see, S. J. S. Cooley, *King Jaja of the Niger Delta: His Life and Times, 1821-1891* (New York: Nok Publishers, 1974); Ikime's 'Nana Olomu: Governor of the Benin River,' in *Tarikh*, Vol. 1. No. 2, 1965.

²¹ Unlike the Eastern Delta, the Western Delta was not a massive hub in the slave trade era, so that, the British did not conclude anti-slavery treaties with the groups of this study. The first treaties were Protectorate treaties, which often contained clauses that forbade continuous activities related to the slave trade; Edward Hertslet, *Map of Africa By Treaties, Vol. 1* (London: Harrison and Sons, 1937).

²² These prominent historians of Nigeria promote the conquest narrative in their works: Obaro Ikime, Elizabeth Isichei, T. N. Tamuno, J. C. Anene, and Toyin Falola.

²³ See, Saliha Belmessous (Ed), *Empire By Treaty: Negotiating European Expansion, 1600-1900*, (Oxford: University Press, 2015); C. H. Alexandrowicz, *The European-African Confrontation: A Study in Treaty Making* (Leiden (Netherlands): Sijthoff, 1973). Both works chronicle the wide use of treaties by various European powers in their territorial appropriations.

British in Nigeria, it is a matter of historical record that they frequently resorted to treaties, often as a prelude to their mission of pacifying the natives.²⁴

This research builds upon this recent scholarship by Saliha Belmessous and others. In doing so, the study indicates that in the case of the Western Lower Niger, treaty-making and other forms of soft power diplomacy better explains British colonisation of the Itsekiri, the Western Ijo, the Urhobo, the Isoko and the Ukwuani. Despite how little the indigenous peoples understood the import of the contents of the treaties, once concluded, all subsequent actions taken by the imperial power in its relations with the study groups after treaty-making, were anchored on the political and sovereignty rights which the concluded treaties bestowed on the agents of the British.²⁵ By examining the role of treaty-making and diplomacy, this research introduces a new perspective on the wider debates surrounding British colonisation of Nigeria, and the Scramble in general.

As has been noted, a major shortcoming associated with the existing standard historiography of British colonisation of Nigeria remains the emphasis on conquest and little or no attention paid to non-military forms of acquisition of territories. However, it is common knowledge that European powers, and indeed Great Britain in particular obtained footings in various parts of the world through cession treaties and conquest. In the process of establishing footholds, the men on the spot acting as bridgeheads, often later played significant roles when advancing into the hinterland areas, through trade, missionary and consular activities. These dimensions of treaty-making, the roles of the men on the spot and

²⁴Akin Oyeboode, 'Treaties and the Colonial Enterprise: The Case of Nigeria', *African Journal of International and Comparative Law*, No. 2, Vol.17, 1990.

²⁵These treaties are in the Nigerian National Archives at Ibadan, under the CSO Series, as well as at the British National Archives at KEW, in London, under the F. O., and C. O. series.

colonial knowledge forms the basis for the argument of a more diplomatic means of Great Britain's colonisation of the case study groups.

Methodology and Sources

The investigation utilised a wide range of primary and secondary sources, mainly from British and Nigerian archives and libraries. Primary sources included archival materials from the National Archives at Ibadan in Nigeria, and from the British National Archives, Kew, in London. The most valuable data for this study remains the various treaties concluded between the agents of Great Britain and the kings and chiefs of the indigenous peoples. In particular, the British Archives was of utmost help being a digital Archive. The researcher was able to get the bulk of the treaties and other imperial era documents such as Consular Reports online after registration and payment of a checking and recording fee. The records from the British Archives are designated as Foreign Office documents and Colonial Office documents. In contrast, the National Archives Ibadan did not yield as much expected materials. The archive still operates manually, and it was impossible to get some materials from it even when such were listed on the catalogues. Consequently, in the course of this study, the researcher had to tap useful and identified archival sources from the NAI from other published works. In all, the materials from both archives turned out as indispensable source materials for this dissertation. However, it must be noted that relying almost solely on records of the colonial power in the absence of indigenous perspectives on treaty-making could be a limitation given that such colonial accounts could be hagiographic. To mitigate this, a close reading of the sources was embarked upon using the technique of reading against the grain to critically interrogate and assess the British texts to achieve acceptable interpretations. Altogether, the archival materials include, consular reports and

correspondences, the original treaties concluded between the agents of Great Britain and the study peoples, and colonial era intelligence and assessment reports on the peoples.

In its encounter with the people of Nigeria beginning from the Slave Trade era, the British employed treaty-making with indigenous leadership to regulate relations and to later establish its hegemony in the age of empire. Within the context of nineteenth century European understandings, treaties were compacts between two sovereign states. However, as demonstrated in chapter two, the underlying positivist legal philosophy of the age of empire characterised most non-European states as lacking in sovereignty, and thus incapable of concluding treaties but could only do so when Europeans extended sovereignty to non-European states through recognition. The typology of treaties deployed by the British over time were three main types namely of peace/commerce, cession and protection treaties.²⁶ It must be noted that not all treaties translated to loss of territory and sovereignty rights. Clearly, the early treaties of peace/commerce with the Delta chiefs did not take away the political and sovereign powers of the potentates.²⁷ However, the age of empire cession and particularly protectorate treaties with the ethnic groups of this study translated to taking certain sovereign rights from the protected to the imperial protector, and ultimately for the appropriation of their territories by the British.²⁸ Essentially as controlling instruments, the protection treaties are most relevant in understanding how Great Britain established and maintained control over the study areas.

²⁶ Akin Oyeboode, 'Treaties and the Colonial Enterprise: The Case of Nigeria', *African Journal of International and Comparative Law*, Vol. 2, No. 17, 1990, p 18.

²⁷ See, Oyeboode, p.21.

²⁸ See Michael Mulligan, 'Nigeria, the British Presence in West Africa and International Law in the 19th Century,' *Journal of the History of International Law*, (11), 2009, p. 273; Mieke van der Linden, *The Acquisition of Africa (1870-1914): The Nature of Nineteenth-Century International Law* (Oisterwijk, Netherlands: Wolf Legal Publishers, 2014).

These British treaties with the various people of Nigeria and several Scramble-era dispatches from officers on the ground to the home government were archived at the Nigerian national depositories at Ibadan and Enugu. These are available under the C.S.O Series in these archives. The National Archives, Kew, London, holds various documents pertaining to British interactions with the people of Nigeria, including, correspondences and diplomatic notes from pre-colonial times to independence in 1960. These are under the Colonial Office (C.O.) and Foreign Office (F.O.) Series. Other Primary materials, included government publications, biographical notes, traveler accounts, and other contemporaneous reports and publications such as newspaper reports, particularly the *London Gazette*, and *The Times of London*, and; the accounts of Consular Officials, such as those of Consuls Gallwey and Macdonald. In particular, traveler accounts complemented information derived from consular despatches and treaties. On the whole, these source materials illuminated the various relationships between the peoples of this study and Great Britain in the age of empire. Evidence from these primary sources constitute the raw material for establishing the central argument that a combination of treaty-making and local Intel-gathering by imperial officials ensured a process of less violent colonisation of the territories of the Western Lower Niger by Great Britain in the nineteenth century.

Another primary source most useful to this study is the colonial era intelligence reports of the various peoples of this study. While most were completed after the formal creation of the colony, Nigeria, in 1914, the records reveal a great deal about the local populations and how they were viewed by the British. As has been documented in India, the British commissioned writers to investigate the customs, mores, political and social systems, geography, religion, language and the general ways and means of the indigenous peoples,

largely in order to control them.²⁹ Before the interwar period, British officials had little knowledge of the ethnic compositions of the peoples they were dealing with, so, a conscious soft power approach became more consciously embedded within the colonial system, reflective also of, growing ideas of ‘indirect rule’, which was a system of governing the protectorates through native rulers, who after treaty-making became answerable to British officials.³⁰ The intelligence reports, while framed within this colonial and racial framework, still contain information which is valuable for the reconstruction of the early histories of the peoples of Nigeria.³¹ For this study, they are relied on in our understanding of the early histories, as well as pre-colonial social and political systems of the peoples in relation to their dealings with the officials of Great Britain in the contact and treaty-making episodes. Combined with other records about treaties and other accounts, a much clearer understanding of the negotiation process between locals and the British becomes evident, as well as a clearer understanding of each groups’ motivations.

A framework adopted in this study is, to situate this primary research within the existing historiography of the Scramble and the wider use of treaties by European countries as a key mechanism of colonisation. European encounters with indigenous groups in the New

²⁹ J. U. Odili, ‘Indigenous Agents and Socio-Religious Changes in Ukwuaniland (Delta State), 1841-1941,’ in *IGWEBUIKE: An African Journal of Arts and Humanities*, Vol. 4, No. 3, 2018, P. 61; Christopher Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870* (Cambridge: University Press, 1996).

³⁰ Margery Perham, *Native Administration in Nigeria* (Oxford: University Press, 1937); Lugard, F. D., *The Dual Mandate in British Tropical Africa* (London: William Blackwood and Sons, 1922).

³¹ Some scholars dismiss such European reports as ‘hagiographic.’ For critics of such reports, see, E. Kallon, *Contextualization of Christianity in Africa: A Case Study of the Kpelle Tribe in Liberia* (New York: Book Surge, 2007); E. S. Akama, ‘The Initial Growth and Problem of the Pioneer Mission Churches in Isokoland of Nigeria, 1914-1944,’ *Journal of Religion and Culture*, Vol. 1, No. 1, 2000, Pp. 7-23; O. U. Kalu, ‘The Shape and Flow of African Church Historiography,’ in O. U. Kalu and J. W. Horfineys (Eds), *African Christianity: An African Story* (Pretoria: University Press, 2005). Interestingly, most accounts of the early histories of the peoples of this study and indeed other Nigerian groups by historians of Nigeria are drawn from such British Intelligence Reports.

World, in Asia and later in aspects of Africa often involved instances of diplomatic encounters alongside aggressive use of force in other cases in the expansionary drive. Often, a desire to relate better with indigenous groups engendered the conclusion of treaties of friendship and peace, as was the case with indigenous groups in Canada [see chapter 3]. Furthermore, in most cases, such treaties served as trade concession instruments and generally gave legal backing to subsequent relations between the Europeans and the indigenous peoples on one hand, and also as a basis for warding off other European nations in terms of claims to territory. In the case of the protection treaties concluded with the peoples of this study, they were later relied on by the British for proclaiming protectorates, thereby giving Great Britain political and governance rights over the peoples and their territories.

Situating the primary research within these larger frameworks help establish a more nuanced understanding of Nigerian colonisation and adds to the growing body of literature which centralizes the role of treaties. Belmessous has noted that treaty-making has rarely been taken seriously by scholars because they are seen as being created either through unequal power relations or in outright fraudulent circumstances.³² However, such a dismissal ignores a large part of how Africans and the British actually negotiated and experienced the process of colonisation. There is still a need to understand that the practice of treaty-making was more than for mere commercial and political opportunism and the treaties were not just pieces of paper. However unequal participation might have been, Africans did partake in treaties and other soft power efforts by the British. Historians need to understand why and how these negotiations occurred. Doing a close reading of sources, and incorporating modern

³²Saliha Belmessous (Ed), *Empire By Treaties Negotiating European Expansion, 1600-1900*, (Oxford: University Press, 2015).

theoretical work on ‘reading against the grain’ and ‘colonial knowledge,’ makes it possible to better understand this process overall, and about the use of force and more about the negotiation processes leading to the treaties.

The study is cognizant of the fact that while the parties involved in the treaty-making episodes were not necessarily equally powerful, both the indigenous peoples and the colonizing British ‘bridgeheads’ demonstrated considerable agency, engaging with the treaty-making process for a variety of reasons.³³ What this reveals is, less about indigenous victimhood at the hands of violent imperialists. The discernible pattern of expansion was a process of peaceful negotiation, and slower, more subtle methods of coercion.

More broadly, within the context of nineteenth century notions of international law, European powers used treaties as a legitimate means to appropriate indigenous sovereignties and acquire land.³⁴ This is one of the tasks this study has dealt with in relation to the treaties of the officials of the Protectorates and the agents of the National African Company (later Royal Niger Company). Indeed, within this context, Akin Oyeboode has argued that in anticipation of the Berlin Conference, the British embarked on a treaty-making frenzy in the Nigerian area, a process still poorly understood.³⁵ It is this background of the legal ramifications of the treaties and their use that informs the chapter on the legal context of colonialism in this study.

³³Jon E. Wilson, ‘Agency, Narrative, and Resistance,’ in Sarah Stockwell (Ed), *The British Empire: Themes and Perspectives* (London: Wiley-Blackwell, 2008); Etherington, Norman, *Missions and Empire* (Oxford: University Press, 2005).

³⁴Saliha Belmessous (Ed), *Empire By Treaties Negotiating European Expansion, 1600-1900*, (Oxford: University Press, 2015).

³⁵Oyeboode, pp 29-30.

Layout of Chapters

Chapter one situated the study within the extensive historiographical debates surrounding European expansion and the age of empire in particular. Discussions of Great Britain's colonisation of Nigeria cannot ignore the wider factors and forces both in Europe and Africa that defined and shaped the process. Considering the various motives for European/British imperialism and the significance of colonisation, the debate in the academic literature continues to highlight different strands of this epoch of human contact. Thus the chapter brings together and analyses existing perspectives and angles associated with Great Britain's colonisation of Nigeria and the Scramble in general.³⁶ Specifically, the chapter interrogates and reviews the dominant perspective by historians of Nigeria on the theme of violent conquest as central to British expansion in Nigeria. It appraises the violence perspectives with a view towards indicating inherent gaps, so as to provide an alternate view in light of the evidence gathered for the study.

Chapters two and three explain the legal context of colonialism, and the history of British treaty-making and its use for territorial acquisition. The understanding that the territorial acquisition enterprise of the European powers was a global trend influences both chapters and is important background if we want to understand the negotiations within the Niger Delta. In chapter two, the study draws on the discourse associated with the foundations of European political and legal thoughts before the age of empire, to discuss the theories employed to rationalize and legitimize expansion and expropriation of territories outside Europe. The underlying pseudo-legal doctrines of Naturalism, Positivism, and the concept of Discovery, espoused in earlier times, carried forward and applied to the age of empire forms

³⁶ For a recent collection that addresses themes of empire, see, Sarah Stockwell (Ed), *The British Empire: Themes and Perspectives* (London: Wiley-Blackwell, 2008).

the core of the discussion. In the process, it brings out the legal and philosophical underpinnings behind the adoption of treaty-making and use by European powers in their relationship with indigenous peoples globally. Chapter three extends the discussion on treaty-making and use by the British Empire before the Scramble. The treaty-making episodes of the British Empire in Canada and elsewhere are drawn on to argue that treaty-making was a practice carried forward and replicated in Nigeria in the nineteenth century. Understanding the legal and political dimensions of treaty-making and use by the British for colonial acquisition within the context of nineteenth century international law helps to place in proper perspective, both the forms of the treaties, and the reasons why treaties were utilized for territorial acquisition.

Chapters four, five, six, seven, and eight all focus on the specific case studies of this dissertation. These chapters draw on the original treaties concluded between the indigenous leaderships and the British, examines the contents and texts of the treaties to demonstrate how the inherent clauses in them transferred political and sovereign rights from the indigenous peoples to the officials of Great Britain. Together, the five chapters make the case for the central role of treaty-making and other forms of soft power in the colonisation process and help to explain why some Africans participated in this process. These five chapters allow for an examination of the conceptual and theoretical issues addressed in the earlier chapters – the motives for British expansion, treaty making and use, and justification under international law- in the course of the expansionary drive of Great Britain within the context of this study. Specifically, chapter six draws out the role of the Royal Niger Company (RNC) in the colonisation process. Understanding how the British deployed a chartered company for colonial acquisition in the Niger Basin, akin to earlier practice in the form of the Hudson's

Bay Company (HBC) in Canada, and the New Zealand Company (NZC) [chapter 3], reinforces this study's central notion of treaty-making and peaceful colonisation of the study groups.³⁷ The five chapters deal with the real issue of the application of treaty-making regime by Great Britain in the appropriation of indigenous territories in the age of empire. The study concludes by highlighting the contributions of the thesis to the corpus of knowledge on treaties and peaceful empire-building and gives suggestions for further research.

In summary, this study adds depth to our understanding of the events of British expansion in the Western Lower Niger and contextualizes this new knowledge within the wider Scramble for Africa and Great Britain's treaty-making episodes in territorial acquisition globally. Ultimately, by focusing on the central place of treaty-making and peaceful diplomacy by Great Britain in the colonisation of the Western Delta, this study challenges notions that emphasise conquest as the chief ingredient of British imperialism in Nigeria. While military force was used on occasion, as described by Akin Oyeboade, this should not deter us from examining instances of the use of diplomacy through treaties as a first step employed by the imperial power to pacify some groups, and clear the way for the trial of other means to achieve formal control.³⁸ Investigating the treaty-making episodes helps to; shed light on why the indigenous peoples cooperated in the process. It would shed more light on their motivations to collaborate with the British, even though obviously, they

³⁷ John Darwin, *Unfinished Empire: The Global Expansion of Great Britain* (London: Penguin Books, 2012); Martin Lynn, 'Consul and Kings: British Policy, 'the Man on the Spot,' and the Seizure of Lagos, 1851,' *The Journal of Imperial and Commonwealth History*, Vol. 10, No. 2, 1982.

³⁸ These studies recognizes the treaty-making dimensions of British imperialism: Anietie A. Inyang, and Manasseh E. Bassey, 'Imperial Treaties and the Origins of British Colonial Rule in Southern Nigeria, 1860-1890,' *Mediterranean Journal of Social Sciences*, Vol. 5, No. 20, 2014; Akin Oyeboade, 'Treaties and the Colonial Enterprise: The Case of Nigeria,' *African Journal of International and Comparative Law*, Vol. 17, No. 2, 1990; Clair Hirshfield, *The Diplomacy of Partition: Britain, France and the Creation of Nigeria, 1890/1898* (The Hague/Boston/London: Martinus Nijhoff, 1979); Saadia Touval, 'Treaties, Borders, and the Partition of Africa,' *The Journal of African History*, Vol. 7, No. 2, 1966.

were unaware of loss of their rights to sovereignty and territory inherent in the treaties. This would also explain better some of the study groups' later reactions and resistance to the existing imperialism they encountered. However, applying the theoretical construct of Empire as an intellectual and cultural project as Bernard Cohn³⁹ did in the case of British India can be extended to the case studies here. It highlights colonisation as a distinct process involving the role of men on ground keen on knowing more about the indigenous peoples through collection and codification of their political, social and cultural systems for eventual diplomatic hegemony and control.

³⁹Cohn S. Bernard, *Colonialism and its Forms of Knowledge* (New Jersey: Princeton University Press, 1996).

Chapter One: Historiography: Review of Literature

Introduction

The question of why European powers expanded into other climes has been well treated by scholars. The big conceptual theories about the motives for expansion, especially of Great Britain's involvement in Africa exist in a generous and prominent mass of literature.⁴⁰ As such, this does not warrant any rehashing here, as the focus of this chapter is on the dominant narratives concerning the 'how' of Great Britain's acquisition of territories in the Niger Basin. The activities of imperial agents prior to 1800 and the period of rapid colonisation from 1884 onwards, when the official mind in London shifted from informal sway to formal control, characterized Great Britain's relations with the study groups. In the immediate period leading up to the Berlin Conference, Great Britain's diplomatic activities around the coast and later push into the hinterlands of the Western Delta were conducted through imperial 'bridgeheads' – men on the spot, who engaged in trade with indigenous merchants in a collaborative atmosphere.⁴¹ The various engagements of officials and agents of Great Britain with the indigenous groups of this study were mainly cemented through diplomatic trade and cession agreements, even though the threat of force to sustain the process was readily available to the imperial agents.

⁴⁰ The prominent studies of Robinson and Gallagher, P. J. Cain and A. G. Hopkins, John Darwin, and others, have conceptualised and explored the central themes both at the metropole and the peripheries associated with the economic, political and social dynamics of British imperialism in Africa. See, P. J. Cain, and A. G. Hopkins, *British Imperialism, 1688-2000* (London: Pearson Education Limited, 2002); 'Gentlemanly Capitalism and British Expansion Overseas II: New Imperialism, 1850-1945,' *The Economic History Review*, Vol. 40, No. 1, 1987; 'The Political Economy of British Expansion Overseas, 1750-1914,' *The Economic History Review*, Vol. 33, No. 4, 1980; P. J. Cain, 'J. A. Hobson, Financial Capitalism, and Imperialism in Late Victorian and Edwardian England,' *The Journal of Imperial and Commonwealth History*, Vol. 13, No. 3, 1985; John Darwin, 'Imperialism and the Victorians: The Dynamics of Territorial Expansion,' *The English Historical Review*, 112, No. 447, 1997; M. E. Chamberlain, *The Scramble for Africa* (London: Longman, 1974); R. Robinson, and J. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961).

⁴¹ See introduction for explanation of bridgeheads.

However, within the general histories of the Scramble, Nigeria has usually been presented as peripheral, compared to Egypt and Southern Africa, and the Western Delta as peripheral within Nigerian colonisation, with emphasis on the Eastern Delta. Even though scholarship on the Scramble in general is copious and includes varied perspectives on European motives and ways and means of expansion, little or no attention has historically been given to diplomatic collaboration between indigenous peoples and polities and the imperial power. Prominence is often given to violent conquest and references to agreements of any sort between the indigenous peoples and the alien power to illustrate the encounter process are given only brief attention in the historiography. Knowing and analyzing the various agreements helps to frame what happened in these specific case studies as part of a wider process, and a more diverse historiography. Also, a better understanding of both Nigerian national historiography and imperial historiography about the Scramble brings together two areas of research that have unfortunately increasingly been divided. The intent here is to have a proper grasp of existing narratives on the ‘how’ of Great Britain’s expansion in the Western Delta, identify gaps in such general stories associated with the British-indigenous relationship in the Niger Basin in general, and relate the findings to the specific case studies of this dissertation within the period under review.

1.1 The Theme of Conquest in Nigerian Historiography

The threat of force was often easily available to imperial officials in their engagements with indigenous people. The trend by the dominant historiography, mainly by historians of Nigeria, has been to focus on this violence. In consequence, this has often portrayed Great Britain and her officials as active villains and the various peoples of Nigeria as passive

victims in the contact process.⁴² Perhaps, no study by a historian of Nigeria better epitomises the conquest narrative than Obaro Ikime's *The Fall of Nigeria: The British Conquest*.⁴³ As a synthesis of several post-colonial studies on the theme of Great Britain's expansion in Nigeria, 12 episodes of violent encounters between the British and indigenous groups are highlighted, including: Lagos, Calabar, Oyo, Ilorin, Brass, Benin, The Aro, The Tiv, Borno, Zaria, Kano, and Sokoto, each supposedly representing one of the former 12 states of precolonial Nigeria. These are used to demonstrate and generalize on how Great Britain achieved control of the whole of Nigeria through military conquest as a central means. For Obaro Ikime and others, it is usual, to think in terms of the many military expeditions mounted against the various peoples.⁴⁴ This book concentrates on these twelve, at best, randomly chosen and non-sequential, episodes as indicative of widespread and consistent violent acquisition. Subsequent historiographies after Ikime have similarly conceptualized a broad pattern of Great Britain's invasion and dogged resistance by the various indigenous peoples.⁴⁵

In specific reference to developments in the Western Delta, Elizabeth Isichei has used the sacking of Benin in 1897 and the overthrow of Nana earlier in 1894 to generalise that the violence of Great Britain's colonialism affected groups which did not directly experience conflict with the imperial power. The case of a king of the small Western Delta state of

⁴² This view is prominent in the studies of historians of Nigeria such as: T. Falola, and M. M. Heaton, *A History of Nigeria* (Cambridge: University Press, 2008); Elizabeth Isichei, *A History of Nigeria* (London: Longman, 1983); Obaro Ikime, *The Fall of Nigeria The British Conquest* (London: Heinemann, 1977); T.N. Tamuno, *The Evolution of the Nigerian State the Southern Phase 1898-1914* (London: Longman, 1972); Obaro Ikime, *The Merchant Prince of Niger Delta* (London: Heinemann, 1968); J.C. Anene, *Southern Nigeria in Transition 1885-1906 Theory and Practice in a Colonial Protectorate* (Cambridge: University Press, 1966).

⁴³ Obaro Ikime, *The Fall of Nigeria The British Conquest* (London: Heinemann, 1977).

⁴⁴ Obaro Ikime, *The Fall of Nigeria: The British Conquest* (London: Heinemann, 1977), P. 3.

⁴⁵ Some of the subsequent studies on specific case study groups indicate the conquest narrative, leaving out several years of preceding events in relations between indigenous groups and the imperial power.

Issele-Uku was used to illustrate this. It was said that the king told a European visitor that if the king of Benin could not withstand the power of the imperial forces, it would be nothing short of madness for him to attempt to fight against the British.⁴⁶ Clearly, the import of this narrative was that smaller, less organised states realized the folly in fighting the British in the wake of the defeat of big and powerful states like Benin and others. Thus, even when violence was not directly used, the threat of it was crucial. The impression by this dominant conquest narrative that groups, which had peaceful relations with the British were undoubtedly influenced by the violent fates of others in the Delta, does not consider specific power dynamics in the Western Delta. As indicated in ensuing chapters, each case study group had its own peculiar experiences with the agents of the imperial power which engendered more of a less violent colonisation process.

In a recent study, Toyin Falola and Michael Heaton have also characterised British expansion in Nigeria as one in which, in the end,

‘the most common...tool of colonial expansion was the British willingness to use superior military might to subdue any opposition violently, and that by 1903 British predominance had been extended at the barrel of the gun to create the Colony and Protectorate of Lagos, the Protectorate of Southern Nigeria, and the Protectorate of Northern Nigeria, areas which previously had existed as autonomous and independent states under indigenous leadership.’⁴⁷

In this account, only a passing reference was made to treaty-making and no elaboration of any form of indigenous collaboration with imperial officials.

⁴⁶ Elizabeth Isichei, *A History of Nigeria* (London: Longman, 1983). The account of the king is contained in J. Spencer, ‘A Missionary Tour to the Towns West of Asaba,’ *Niger and Yoruba Notes*, 1898.

⁴⁷ Falola and Heaton, pp 85-86.

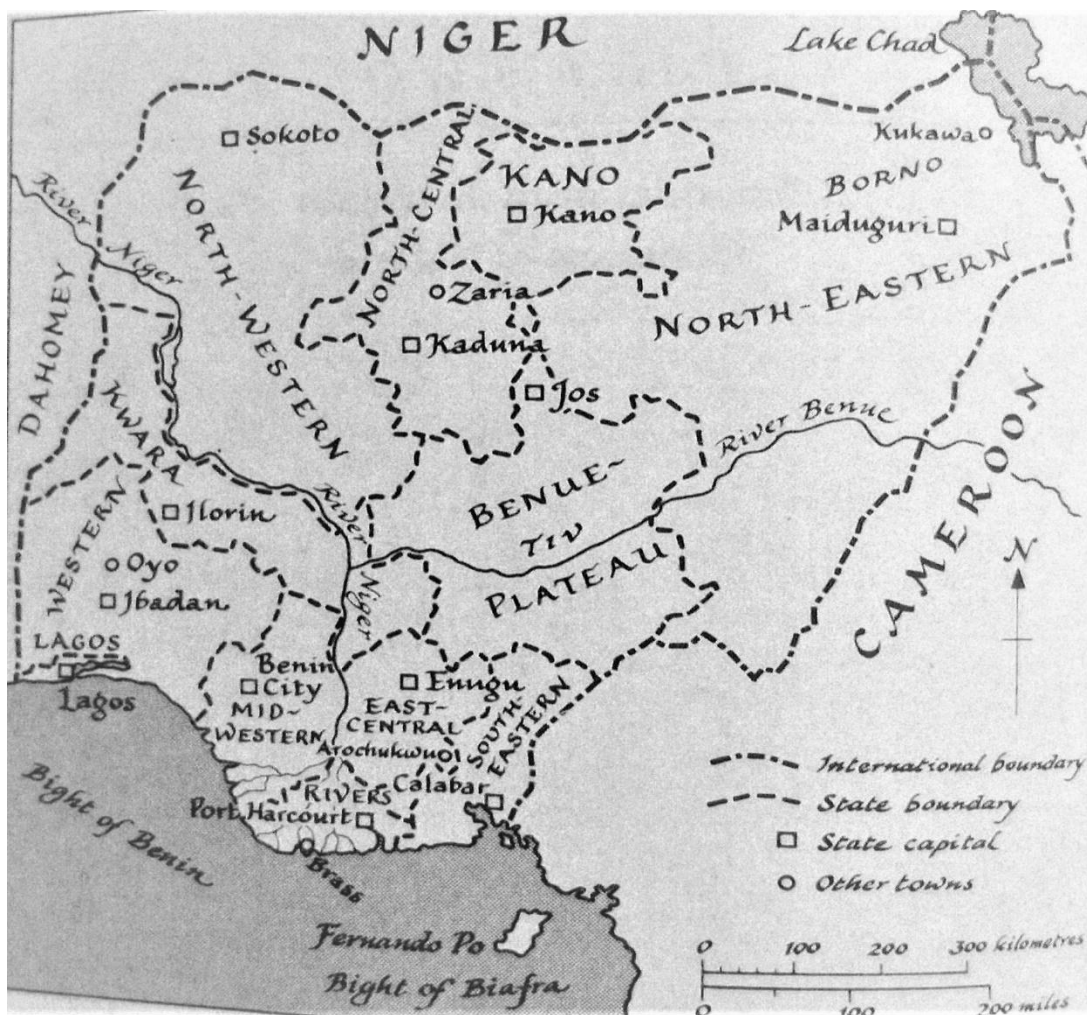


Figure 3. Ikime's twelve states of Nigeria conquered by Great Britain⁴⁸

⁴⁸ See, Obaro Ikime, *The Fall of Nigeria: The British Conquest*, p. 90.

1.2 Appraisal of the Nigerian Historiography

There are certain problematics associated with the dominant Nigerian historiography of wholesale violent British colonisation. Perhaps most crucially, this view of British aggression against the polities and peoples of the Niger Basin by earlier and recent Nigerian historiographies as the standard means of Great Britain's expansion in southern Nigeria, robs the indigenous peoples of their agency in the encounter and colonisation process with the imperial power.⁴⁹ It is also historically misleading. Obaro Ikime's randomly selected episodes of indigenous wars with the British are not a true reflection of a twelve states structure to precolonial Nigeria. Nigeria was and still is a polyglot of more than 300 ethnicities. In relation to our specific case studies of the Western Delta, the closest precolonial polities were the Benin kingdom and Brass.

Though, Benin had cultural and political ties with some of the case study groups, the 1897 British Expedition against Benin, following the massacre of acting consul Phillips and his party cannot be taken as the basis for the pacification of all groups in the Western Delta to which Benin belongs.⁵⁰ Importantly, it must be noted that, long before this episode of the Expedition, the British had embarked on treaty diplomacy with the groups of this study. As demonstrated in chapter 4, the first treaty with the Itsekiri was in 1884. Even in Benin, the British had earlier in 1892 concluded a protection treaty. More importantly, the groups of this study were not directly under the political control of the Benin kingdom. As such, the Benin episode cannot be used to ascribe a blanket generalization for other Western Lower Niger

⁴⁹ T.N. Tamuno, *The Evolution of the Nigerian State the Southern Phase 1898-1914* (London: Longman, 1972); A. E. Afigbo, 'The Consolidation of British Imperial Administration in Nigeria 1900-1918,' *Civilizations*, Vol. 21, No. 4, 1971; Anene, J. C., *Southern Nigeria in Transition 1885-1906* (Cambridge: University Press, 1966) pp 135-250.

⁵⁰ Alan Ryder, *Benin and the Europeans, 1485-1897* (London: Longman, 1977); For firsthand details of the massacre, see, Alan Boisragon, *The Benin Massacre* (London: Methuen and Company, 1897).

groups despite the prestige and prominence of the Benin kingdom within the period under review. Clearly, this dominant Nigeria account made prominent by Obaro Ikime, privileges large indigenous political kingdoms within Nigeria, rather than the smaller, more complex political groups studied here. This is like how the Europeans viewed and understood the much larger and centralised polities, while ignoring smaller, but much more fluid decentralized groups which did not fit into European notions of statehood.

Second, Brass, an Ijo City State in the Eastern Delta, was far off and remains so from the Western Ijo of this study. The internal and external relations of Brass had little or no connections with the Ijo of the Western Delta. So, we cannot talk of the sacking of Brass by the British in 1895 after the City State had earlier attacked the headquarters of the Royal Niger Company (RNC) at Akassa, as a representation of the pacification of the Ijo as a whole in the Niger Basin. Thus, it is not appropriate to apply the general conquest narrative by Ikime and others across the board. Rather, from the evidence available, the prominent instances of indigenous wars with the imperial power were exceptional and specific cases. Larger parts of the Niger Basin did not experience or suffer the fate of conquest.

With specific regard to the case study areas– the Western Delta, a discernible pattern was that Great Britain's push into the Itsekiri country, the Urhobo, Western Ijo, Isoko, and Ukwuani territories was without major wars. As indicated in the ensuing chapters, post treaty-making developments were influenced by the shift from informal to formal control, so that, the need for effective rule necessitated the establishment of governance institutions. In the final analysis, within the central argument of this dissertation that Great Britain's colonisation of the study groups followed a more peaceful trajectory, it must be understood that the various treaties concluded by officials of the imperial power with the indigenous

groups cleared the way for the introduction and trial of other instruments for eventual control and administration of the indigenous peoples and their territories.

This focuses only on European agency, and military conquest for Great Britain's colonisation of Nigeria clearly does not give a complete and balanced story. In this vein, some recent studies have advocated for a closer look at the colonisation process through the prism of treaty-making diplomacy.⁵¹ A re-thinking on the standard narrative that Great Britain's colonisation of Nigeria was achieved purely on the strength of the Maxim gun has been suggested. For these studies, to understand better the ease and speed with which Great Britain colonised the whole of Nigeria, attention must begin with treaty-making as both a diplomatic instrument, a non-military form of penetration and hegemony which together with the Intel-gathering endeavours of the imperial bridgeheads served as means for commercial and political manipulation by officials of the imperial power, and which ultimately led to the sovereign capitulation of the indigenous polities and peoples. By investigating the encounters between Great Britain and the specific case studies in here, this dissertation covers that gap inherent in the dominant narrative which pays little or no attention to a less violent treaty based colonisation.

1.3 General Scramble for Africa Scholarship

The wider Scramble scholarship gives prominence to British encounters in Egypt and Southern Africa, ostensibly because of their strategic importance at the time to the empire than the specific case of Nigeria. In those instances, threats to British interests by rival

⁵¹ Anietie A. Inyang, and Manasseh E. Bassey, 'Imperial Treaties and the Origins of British Colonial Rule in Southern Nigeria, 1860-1890,' *Mediterranean Journal of Social Sciences*, Vol. 5, No. 20, 2014; Akin Oyeboode, 'Treaties and the Colonial Enterprise: The Case of Nigeria,' *African Journal of International and Comparative Law*, Vol. 2, No. 17, 1990; C. H Alexandrowicz's, *The European-African Confrontation: A Study in Treaty Making*, represents an earlier study on treaties and the European colonisation enterprise.

imperial powers and local crisis engendered impetus for action, which explains the violent nature of colonisation, especially of Egypt.⁵² In studies by non-Nigerian historians, Nigeria is treated as peripheral, the scholarship not any more nuanced in recognizing the dynamics of the colonisation process. The narrative has often always centered on European agency, with the factors of rivalry and economic consideration as preeminent motives, leaving out local conditions in the periphery.⁵³

Notwithstanding this general perspective of giving prominence to only European agency for the Scramble, a prominent study has shed light on the conditions in indigenous societies as a dimension in the encounter process between Great Britain and peripheral groups globally. Famously, Robinson and Gallagher have suggested that, rather than account for the urge to expand only on the part of the Europeans, there is a need to examine the receiving end - Africa for answers. They suggested that Africa's chaotic societies, its internal political and economic changes in the 1870s and 1880s compelled imperial interventions, encouraged by indigenous collaborations.⁵⁴

Clearly, this thesis by Robinson and Gallagher resonates with developments in the case study societies. As indicated in chapter 4, conditions in Itsekiriland accentuated the meddling of the imperial 'bridgeheads', men on the spot, to diplomatically manipulate relations with the indigenes to the advantage of the imperial power. As Darwin has shown in the case of

⁵² John Darwin, *Unfinished Empire The Global Expansion of Britain* (London: Penguin Books, 2012); Gann, L. H. & Duignan, P. (Eds), *Colonialism in Africa 1870 – 1960* (London: Cambridge University Press, 1969); Robinson, R. & J. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961).

⁵³ Raymond E. Dumett, *Gentlemanly Capitalism and British Imperialism: The New Debate on Empire* (London: Longman, 1999); A.G. Hopkins, 'British Imperialism: A review and revision', *Refresh*, 7, (Autumn 1988); John Hatch, *Nigeria: A History* (London: Secker and Warburg, 1971); Oliver, R. & Fage, J. D., *A Short History of Africa*, (London: Hutchinson 1962).

⁵⁴ Robinson, R. & J. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961).

India, the crucial variable for Victorian expansion was the ‘bridgehead’, who achieved the purchase of British interests in their zones of operations by establishing local political and diplomatic links with indigenous people.⁵⁵ Similarly, as indicated in the ensuing case study chapters, this role of ‘bridgeheads’ played out significantly and diplomatically in achieving colonisation more peacefully, rather than through force or threat of its use. It was a situation in which, the local people also expressed a welcoming disposition towards the imperial agents. This dimension of loyalist population working with imperial agents is a crucial gap missing in the general Nigerian narrative that this research fills.

1.4 Chapter Summary

This short review of the dominant literature on British colonisation of Nigeria is by no means an attempt to, foreclose other possible ways of examining the conquest narrative associated with the specifics of British colonisation of Nigeria in the late nineteenth century. The effort here has been to identify gaps in the literature which has been bridged in the research. Specifically, a salient gap identified was that the dominant historiography gives premium to British conquest of large kingdoms and polities as the standard for all cases of encounters with indigenous groups in Nigeria. Whereas, evidence suggests that treaty-making and other diplomatic means, rather than use of force was the dominant means employed by officials of Great Britain between 1884 and 1914 in bringing about the territories of the case studies of this dissertation under the control of imperial Britain. The use and place of treaties has attracted less attention in studies of British colonisation of Nigeria. Therefore, this dissertation has added to the body of knowledge on the peaceful colonisation of the Itsekiri, Western Ijo, Urhobo, Isoko, and Ukwuani areas by imperial Britain in the nineteenth century.

⁵⁵ John Darwin, ‘Imperialism and the Victorians: The Dynamics of Territorial Expansion’, *English Historical Review*. June 1997.

Importantly, this brief survey of some of the important literature on the theme of conquest exposes existing historiography as inadequate in explaining how the British colonised aspects of Nigeria. It has been demonstrated that with regards to the Western Delta, accounts by historians of Nigeria that place premium on British use of force enabled by the Maxim gun, engendered a re-thinking of the need to explore the central role of a combination of diplomatic means including treaty-making, and colonial knowledge driven by the men on the spot, collaborating with the indigenous peoples in a more peaceful manner. This thinking is also the driving reason for examining in chapters two and three, the legal foundation of colonialism and the practical application of treaty-making for colonisation by Great Britain with indigenous groups elsewhere, before the Scramble for Africa. The intent was to underscore the use of this form of appropriation of territory by Great Britain as a progressive trend in the process of acquisition of territories not exclusive to the Nigerian area alone.

Chapter Two: Understanding the Legal Context of Colonialism

Introduction

Because this dissertation is about the use of treaties and other forms of diplomacy for colonisation of the Western Niger Delta by Great Britain, it is germane to understand the wider relationship between international law and colonialism in the age of empire, especially as this is a historiography which has evolved separately, usually written by lawyers, and gets minimal attention in most histories of colonisation or the Scramble.⁵⁶ As has been noted in the introduction, Saliha Belmessous and others have recently put forward innovative scholarship on treaty-making and European expansion in the nineteenth century.⁵⁷ For this dissertation understanding the development of Positivism as the underpinning legal foundation for European expansion particularly in the age of empire is imperative. European imperial powers, individual imperialists, companies and agents coveted other lands outside their domains for purposes of control, to satisfy national prestige, and for exploitation and profit.⁵⁸ In this vein, ideological mantles hinged on racial and other categorizations were crafted to justify colonialism.⁵⁹ As James Gathii has suggested, understanding the legal

⁵⁶ With a few notable exceptions, such as New Zealand where the legal dimensions of colonialism are treated, the historiography of European colonisation of Africa pays little or no account to the legal context of the encounter process. A. Adu Boahen, *African Perspectives on European Colonialism* (New York: Diasporic African Press, 2011); G. A. Akinola, 'Colonialism and Imperialism: The African Experience,' in John Middleton and Joseph C. Miller (Eds), *New Encyclopedia of Africa, 2nd Ed*, Vol. 1, 2008; G. N. Uzoigwe, 'European Partition and Conquest of Africa: An Overview,' in A. Adu Boahen (Ed), *UNESCO General History of Africa Volume VII, Africa Under Colonial Domination 1880-1935* (California: Heinemann, UNESCO, 1985).

⁵⁷ Saliha Belmessous (Ed), *Empire By Treaties Negotiating European Expansion, 1600-1900*, (Oxford: University Press, 2015).

⁵⁸ See, David Armitage, (ed), *Theories of Empire, 1450-1800*, 'in *An Expanding World: The European Impact on World History, 1450-1800*, Vol. 20 (Brookfield, VT: Ashgate/Variorum, 1998); Immanuel Wallerstein, *The Modern World System: Capitalist Agriculture and the Origins of the European World Economy in the Sixteenth Century* (New York: Academic Press, 1967).

⁵⁹ Robert J. Miller, 'The International Law of Colonialism: A Comparative Analysis', *Lewis and Clark Law Review*, Vol. 15: 4, 2011; Jennifer Pitts, 'Boundaries of Victorian International Law,' in Duncan Bell (Ed), *Victorian Visions of Global Order: Empire and International Relations in Nineteenth-Century Political Thought* (Cambridge: University Press, 2007); Duncan Bell, 'Empire and International Relations in Victorian Political

thoughts of earlier and nineteenth-century Europe provides not just a clearer notion of ideologies of empire but also the justifications expounded by European powers in their acquisition of title to territories.⁶⁰ In other words, we need to understand why treaties were used if we wish to understand how they were used in the Niger Delta.

In this instance as in the case elsewhere in Africa and globally as demonstrated in chapter three, Great Britain employed contractual agreements, cession and protectorate treaties to legitimise the process of acquisition of the territories of indigenous peoples.⁶¹ This knowledge elicits some salient questions. First, what prompted the British to resort to treaty-making as a means for empire- building? Were the treaty-making processes between the officials and agents of Great Britain and the indigenous peoples anchored on any pre-existing legal foundations of that time? From indications, the British and Europeans in general had preconceived notions about Africa. In legal terms, it was a case of how Africans fit into European paradigms of law and order within the then existing social constructs, which viewed the non-European world as barbaric and uncivilized.⁶²

Without dwelling too deeply on all the conceptual and legal discourses associated with and the underpinning doctrines of colonialism, the chapter draws out how European

Thought,' *The Historical Journal*, Vol. 49, No. 1, 2006; Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: University Press, 2001); Singh Uday Mehta, *Liberalism and Empire: A Study of Nineteenth-Century British Liberal Thought* (Chicago: University Press, 1999).

⁶⁰ James Thuo Gathii, 'Imperialism, Colonialism, and International Law,' *Buffalo Law Review*, Vol. 54, No. 4, 2007; Anthony Anghie, 'The Evolution of International Law: Colonial and Postcolonial Realities,' *Third World Quarterly*, 27 (5), 2006.

⁶¹ Mieke, Van der Linden, W. A., *The Acquisition of Africa (1870-1914) The Nature of Nineteenth Century International Law* (Oisterwijk: Wolf Legal Publishers, 2014); Michael Mulligan, 'Nigeria, the British Presence in West Africa and International Law in the 19th Century,' *Journal of the History of International Law*, 11, 2009.

⁶² Liliana Tarazona Obregon, 'The Civilized and the Uncivilized', in B. Fassbender and A. Peters (Eds), *The Oxford Handbook of History of International Law* (Oxford: University Press, 2012); P. Curtin, S. Feierman, L. Thompson, and J. Vansina, *African History from Earliest Times to Independence* (Edinburgh: Pearson Education Limited, 1978); Phillip D. Curtin, *The Image of Africa: British Ideas and Action, 1870-1850* (Madison: University of Wisconsin Press, 1964).

ideas of non-Europeans as uncivilised, of the creation of hierarchies of sovereignty within the framework of Positivist international law impacted on the empire-building process globally.⁶³ Within the wider legal historiography of the Scramble, a notable trend was how the postulations and teachings of legal scholars also impacted on the age of empire. Such expert opinions and treatises of jurists in support of individual imperial power have been well documented, and need no rehashing. However the point to note is that, in the case of Great Britain, expert legal scholarship and advice from British and other European jurists influenced the general notions of the applicability of law and legal instruments in expansion.⁶⁴ Ideologies of empire were variously advanced as assertive and defensive claims emanating from past inter-European practices which were universalized in the age of empire. Even though they were presented in a scattershot legal approach, with sometimes overlapping and conflicting arguments, they served the imperial cause and studying them helps historians to better understand the relationship between law and empire-

⁶³ Anthony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: University Press, 2004); 'Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law', *Harvard International Law Journal*, Vol. 40 (1), 1999.

⁶⁴ In the specific case of Great Britain's imperialism, the postulations of Travers Twiss, James Lorimer and John Westlake at different times influenced British and European legal thoughts on colonisation. For instance, Twiss played a major role in drafting the General Act of the Berlin Conference and proffered justification for treaty-making and use by European powers for colonisation. See, TNA, FO 84/1814, Papers relating to the Congo (West African Conference), Vol. 14, October – November, 1884; *The Times*, 19 January 1885; Travers Twiss, *The Law of Nations Considered as Independent Political Communities*, 2 Vols (Oxford: University Press, 1861-1863); James Lorimer, *The Institutes of the Law of Nations: A Treatise of the Jural Relations of Separate Political Communities* (London: William Blackwood and Sons, 1883); Stephen Tierney and Walker Neil, 'Through a Glass, Darkly: Reflections on James Lorimer's International Law', *The European Journal of International Law*, Vol. 27, No.2, 2016; John Westlake, *Chapters on the Principles of International Law* (Cambridge: University Press, 1894); Andrew Fitzmaurice, 'The Justification of King Leopold II's Congo Enterprise by Sir Travers Twiss', in Dorsett S., and Hunter I. (Eds) *Politics in British Colonial Thought* (New York: Palgrave Macmillan, 2010), Pp. 116 – 117; Casper Sylvest, 'Our Passion for Legality', p. 414; S. E. Crowe, *The Berlin West African Conference, 1884 – 1885* (London: Longmans, Green and Co, 1942); T. J. Lawrence, *The Principles of International Law*, 6th edn (Boston: DC Heath & Co, 1915, first published 1895), pp 83–87; Andrew Fitzmaurice, 'Liberalism and Empire in Nineteenth-Century International Law', *American Historical Review*, Vol. 117, No. 1 (February, 2012), p. 128.

building.⁶⁵ Given that colonisation was about territorial acquisition, in the specific case of Great Britain, settler colonies acquired through a mix of treaties and conquest in some instances represents a reliance on age-old European legal practices carried forward and applied in encounters with indigenous groups. It was a case of the imperial powers using concluded treaties with indigenous leadership to indicate that they own the land afterwards, or through outright purchase and conquest in other instances.

Regarding the case studies of this dissertation, understanding the legal context of colonialism is also to demonstrate that the imposition of British colonial rule went hand in hand with the imposition of English legal rules. As indicated in the ensuing case study chapters, following treaty-making, the British proceeded to set up administrative structures fashioned alongside metropolitan systems. Clearly, this was a transposition of European legal ideas on the indigenous peoples and represents a process that was usually part of a ‘soft power’ approach to colonialism. Indeed, as indicated in chapter 4, the Itsekiri seem to have actively embraced the introduction of the rule of law and protection against other local pirates.

Thus, knowing how European notions of international law were framed, how global sovereign hierarchies were constructed and how the tradition of treaty-making and use as a tool for territorial acquisition were galvanized to justify and support imperialism in the nineteenth century are useful to this study. The legal frameworks of Naturalism and Positivism, the doctrine of Sovereignty and the contradictions created by the non-recognition of indigenous forms of governance owing to the characterisation of non-Europeans as

⁶⁵Lauren Benton and Benjamin Straumann, ‘Acquiring Empire by Law: From Roman Doctrine to Early Modern Practice,’ *Law and History Review*, Vol. 28, No. 1, 2010. P.29.

uncivilised and thus lacking capacity to make laws and conclude treaties, and how this conundrum was resolved later to allow for treaty relations with indigenous groups are briefly examined here to underscore how international law was deployed in support of the colonisation enterprise, globally and specifically in Nigeria.

The language of the treaties deployed by Great Britain in the Western Delta is worth looking at, as treaties were the central legal tools for colonialism. Great Britain's treaties of protection with the study groups were title deeds purporting to transfer political and sovereign rights from the indigenous peoples to the imperial power. As instruments of capitulation, the language of the treaties inherent in each clause, were styled legalistically to subsume the sovereign rights of the people under imperial control. It has been suggested that the language of the treaties Europeans concluded with indigenous peoples was derived from past inter-European practice and that it represents a case of exploiting loopholes in international law to assert sovereignty and legal ownership of lands.⁶⁶ To understand why treaties were deployed for colonialism requires knowing the trajectory of international law from earlier times to the age of empire.

2.1 From Naturalism to Positivism

Before the age of empire, international legal theory and practice was influenced by the doctrine of Naturalism as its major underpinning philosophy. The basis of this international law of nations was anchored on assumptions of reasonable accommodation, of reciprocity and fairness and commitment to sovereignty amongst states.⁶⁷ As Casper Sylvest has suggested, until the 1850s international law within the jurisprudence of Naturalism was one

⁶⁶ Steven Press, *Rogue Empires: Contracts and Conmen in Europe's Scramble for Africa* (Harvard: University Press, 2017); Gerry Simpson, *Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order* (Cambridge: University Press, 2004).

⁶⁷ Arthur Nussbaum, *A Concise History of the Law of Nations* (New York: Macmillan, 1954).

considered to have emerged from an external agency or structure, in this case, from - God.⁶⁸ Made prominent by writers such as Francisco de Vitoria (1483-1546), Hugo Grotius (1583-1645), and Emerich von Vattel (1714 – 1767), the naturalist's view of international law was predicated on ideas of justice and sovereignty, in which states and human activity, according to Anthony Anghie, were bound by an overarching adherence to notions of justice and morality.⁶⁹ This commitment to morality and sovereignty embedded in the naturalist legal foundation of the early modern law has been explained by C. H. Alexandrowicz as one in which European States treated non- European states and sovereigns as equals in international society.⁷⁰ In other words, the understanding at this time was that, all states, and all people were equal. Within this framework, there was a certain universal international natural law that applied to all states irrespective of whether they were European or non-European. It was one of equal social hierarchies, in which diplomatic relations between European states and others, especially, states of the Orient were carried on under mutual respect and reciprocity.⁷¹ This was the standard practice prior to the age of empire.

However, from the seventeenth and eighteenth centuries, international legal thought began to assume a new dimension due to European imperialism. From this time law became viewed as man-made, not originating from a divine source, and considered as separate from

⁶⁸ The theory of natural law dates to Roman era, which was also the official legal philosophy of the Roman Catholic Church. See, Casper Sylvest, 'Our Passion for Legality: International Law and imperialism in late nineteenth century Britain', *Review of International Studies*, Vol. 34, 2008, p. 405; Thomas Pakenham, *The Scramble for Africa, 1876 – 1912* (London: Weidenfeld and Nicholson, 1993); M. W. Janis, (ed), *The Influence of Religion on the Development of International Law* (Dordrecht/Boston/Lancaster: Martinus Nijhoff, 1991).

⁶⁹ Anthony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: University Press, 2005, P. 42); M. V. Gelderen, 'The Challenge of Colonialism: Grotius and Vitoria on Natural Law and International Relations', *Grotiana*, Vol. 14(1), 1993, Pp. 3- 37.

⁷⁰ C. H. Alexandrowicz has copious works on this topic, such as his, *An Introduction to the history of the Law of nations in the East Indies: 16th, 17th and 18th Centuries* (Oxford: Clarendon Press, 1976); *Studies in the history of the Law of Nations* (The Hague: Martinus Nijhoff, 1970).

⁷¹ Peter Malanczuk, *Akehurst's Modern Introduction to International Law* (London: Routledge, 1997).

the morality and justice of Naturalism. Embodied in this new thought of legal Positivism was the evidential behavior of states in the international arena as the basis of law, and not law derived from an external agency. It was one in which state consent expressed in contractual agreements between two sovereign states became the accepted norm. This emergent Positivist legal thought was largely a shared practice amongst European states, derived from a common past, common values, with similar Christian inclinations, and one which regarded each other as sovereign.⁷² These shared common legal ideas had their roots in Roman times even though traditionally the beginnings of the modern legal system are associated with the classical Westphalian Treaty of 1648.⁷³ Over centuries, the methods of acquiring territory followed Roman normative concepts of *res nullius* (things without owners), and *terra nullius* (land without owners).⁷⁴ Subsequently, as European interests outside Europe increased before the age of empire, (1875-1914),⁷⁵ Roman era legal doctrines encapsulated under the concept of Discovery and its constitutive elements of rights of first discovery; effective occupation,

⁷² For a discourse on spatial analysis of empire and international law, see Luigi Nuzzo, 'Territory, Sovereignty, and the Construction of the Colonial Space', in Martti Koskenniemi, Walter Rech, and Manuel Jimenez Fonseca (Eds), *International Law and Empire Historical Explorations* (Oxford: University Press, 2017); Alan Lester, 'Imperial Circuits and Networks: Geographies of the British Empire,' *History Compass*, Vol. 4, No. 1, 2006; Kim Economides, Mark Blacksell, and Charles Watkins, 'The Spatial Analysis of Legal Systems: Towards a Geography of Law?,' *Journal of Law and Society*, Vol. 13, No. 2, 1986.

⁷³ Edward Keene, 'The Treaty-Making Revolution of the Nineteenth Century', *The International History Review*, 34: 3, 2012; Heinhard Steiger, 'From the International Law of Christianity to the International Law of the World Citizen-Reflections on the Formation of the Epochs of the History of International Law', 3 *Journal of the History of International Law* 180 (2001); Wilhelm. G. Grewe, *The Epochs of International Law*, English Edition, Rev. by Byers, Michael (New York: De Gruyter, 2000); Wolfgang Preiser, 'History of the Law of Nations: Ancient Times to 1648,' 7, *EPIL* (1995); Mario Toscano, *The History of Treaties and International Politics* (Baltimore: John Hopkins Press, 1966); Clive Parry, *The Sources and Evidences of International Law* (Manchester: University Press, 1965).

⁷⁴ Lauren Benton and Benjamin Straumann, 'Acquiring Empire by Law: From Roman Doctrine to Early Modern Practice', *Law and History Review*, Vol. 28, No. 1, 2010; David Boucher, 'The law of nations and the doctrine of terra nullius', in Asbach, O, and Schroder, P (Eds), *War, the State and International Law in Seventeenth – Century Europe* (London: Ashgate, 2010); Bruce Buchan and Mary Heath, 'Savagery and Civilization From terra nullius to the 'tide of history', *Ethnicities*, Vol. 6, No. 1, 2006.

⁷⁵ E. J. Hobsbawm termed this period 'the age of empire,' because it developed a new kind of imperialism and also a period of modern world history in which the number of rulers officially calling themselves 'emperor' was at its maximum.

title rights, limited sovereignty, contiguity, terra nullius, Christianity, and conquest were deployed globally for territorial acquisition.⁷⁶ In the age of empire, this new legal positivism came to the fore, and together with the concept of Discovery and its constitutive elements, was widely deployed in European relations with various indigenous peoples to justify land seizures and colonialism.⁷⁷

2.2 Hierarchies of Sovereignities

Though like naturalism, positivism regarded sovereign states as the subject of international law, but unlike naturalism, the emergent positivist notion of International law in the age of empire recognized only European states as sovereign. Using distinctions of civilised and non-civilised as characterisation, positivists purportedly expelled the non-European states from legal internationalism, thereby clearly creating a regime of hierarchies

⁷⁶ European states acquired and colonised several parts of the world which they regarded as savage and uncivilised and lacking ownership and thus free for taking based on terra nullius and the other elements of the doctrine of Discovery. See, Andrew Fitzmaurice, 'Discovery, Conquest, and Occupation of Territory,' in B. Fassbender and A. Peters (Eds), *The Oxford Handbook of History of International Law* (Oxford: University Press, 2012); Robert J. Miller, 'The International Law of Colonialism: A Comparative Analysis', *Lewis and Clark Law Review*, Vol. 15: 4, 2012, p. 900; David Boyle, *Voyages of Discovery* (New York: Thames & Hudson, 2011); Stuart Banner, "Why 'Terra Nullius?', Anthropology and Property Law in Early Australia" *Law and History Review*, 23(1), 2005; Daniel J. Boorstin, *The Discoverers* (New York: Random House, 1983); V. G. Kiernan, *The Lords of Human Kind: European Attitudes Towards the Outside World in the Imperial Age* (London: Weidenfeld & Nicolson, 1969); Henry Wheaton, *Elements of International Law* (Boston: Little Brown and Co., 1855); <https://www.CreativeSpirits.info>, Aboriginal culture- Land- – How was Aboriginal land ownership lost to invaders? Retrieved, 25 October 2017; Liliana Tarazona Obregon, 'The Civilized and the Uncivilized', in B. Fassbender and A. Peters (Eds), *The Oxford Handbook of History of International Law* (Oxford: University Press, 2012); Philip Curtin, *The Image of Africa* (Wisconsin: University Press, 1964); H. A. Smith, *Great Britain and the Law of Nations* (London: P. S. King, 1932); Michael Mulligan, 'Nigeria, the British Presence in West Africa and International Law in the 19th Century', *Journal of the History of International Law* (11), 2009; Duncan Bell, 'Empire and International Relations in Victorian Political Thought', *The Historical Journal*, Vol. 49, No. 1, March 2006), P. 290; Sara Berry, 'Debating the Land Question in Africa', *Comparative Studies in Society and History*, 44, 2002; F. D. Lugard, Sir, *The Dual Mandate in British Tropical Africa* (London: William Blackwood and Sons, 1922).

⁷⁷ In 1765, William Blackstone, a British legal luminary suggested acquisition of colonies in distant lands through outright occupation based on terra nullius. See, William Blackstone, *Commentaries on the Laws of England* (Chicago: University Press, [1765] 1979, p.107).

of states in the global system.⁷⁸ This positivist notion created a structure of European superiority over others which ultimately supported a state of a few dominating so many viewed as inferior. Essentially, the positivist hierarchical system placed the European states at the top and a myriad of other political systems globally regarded as lesser entities and societies at the bottom. These lesser societies were considered as lacking in organization and sovereignty. Thus, as Andrew Fitzmaurice has suggested, it was an idea of the world by Europeans which allowed them to justify empire by projecting European notions of sovereignty onto other societies viewed as less developed in relation to Europe.⁷⁹ From this time, positivists theorists began to put forward ideas that naturalism could not possibly explain international law as a binding mechanism hinged on equality of states because, doing so, implied some measure of enforcement and order beyond the sovereign, which was an impossibility in a world of equal sovereign states. This new paradigm incorporated assumptions and aspirations that portrayed an imperial bent and its exponents manipulated it to serve specific imperial interests and endeavours.⁸⁰

At the core of the positivists' doctrine in relation to colonialism rests the idea that, European expansion and imperialism itself was central to the need for an international legal regime, to regulate relations between the European and non-European worlds in the emergent colonial confrontation. In the case of Britain, by the nineteenth century, expert legal

⁷⁸ Anthony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: University Press, 2004).

⁷⁹ Andrew Fitzmaurice, 'Liberalism and Empire in Nineteenth-Century International Law,' *American Historical Review*, Vol. 117, No. 1, 2012.

⁸⁰ Casper Sylvest, 'Our Passion for Legality': International Law and imperialism in late nineteenth century Britain', *Review of International Studies*, Vol. 34, 2008, p. 405; Michael Tigar, *Law and the Rise of Capitalism* (New York: Monthly Review Press, 2000); Karma Nabulsi, *Traditions of War: occupation, resistance, and the Law* (Oxford: University Press, 1999); Thomas Pakenham, *The Scramble for Africa, 1876-1912* (London: Weidenfeld and Nicholson, 1993).

advocacy increased, calling on the application of legal instruments for colonisation.⁸¹ As Heinhard Steiger has stated, what emerged from the positivists' perspective was an international law of civilized European states borne out of the age of Enlightenment, an era which coincided with ideas for expansion overseas.⁸² Similarly, Chris Bayly has described the emergence of positivist international law as a phase of legal globalization, one of exporting European notions of law to other climes involving a process of interactions and connections which became manifest in the nineteenth century.⁸³ In this light, David Kennedy has suggested that the positivists' view of international law rooted the binding force of international law on the consent of sovereign states, predicated on a loose analogy to the private law of contract, expressed in sovereign consent through a laborious search of state practice or a catalog of agreements. He adds that, international legal positivism was simply the working out of the private law metaphor of contract for a public legal order. Chris Bayly also makes the point that, such earlier inter-European legal practices of contractual agreements, constituted the historical trends carried forward over time by Europeans to other climes to establish global legal uniformities, and generally applied for territorial acquisition.⁸⁴

Clearly, both Kennedy and Bayly were alluding to the fact that European society was beginning to see the substance and possibility of employing some means akin to contractual

⁸¹ Anthony Anghie, *Imperialism, Sovereignty and the making of International Law* (Cambridge: University Press, 2005).

⁸² Heinhard Steiger, 'From the International Law of Christianity to the International Law of the World Citizen-Reflections on the Formation of the Epochs of the History of International Law', 3 *Journal of the History of International Law* 180 (2001).

⁸³ Christopher Bayly, *The Birth of the Modern World 1780-1914, Global Connections and Comparisons* (Oxford: Blackwell, 2004, p. 224).

⁸⁴ Christopher Bayly, *The Birth of the Modern World 1780-1914, Global Connections and Comparisons* (Oxford: Blackwell, 2004); David Kennedy, 'International Law and the Nineteenth Century: History of an Illusion', *Nordic Journal of International Law*, 65, 1996, P.398.

agreements in forging relations with states outside Europe, in a manner consistent with prior inter – European practice of treaty-making and use. In the case of Great Britain, by the dawn of the nineteenth century, following the imposition of direct rule in India, positivism became the underpinning theory for the legitimization of expansion there and elsewhere. Championed by Jeremy Bentham and John Austin⁸⁵, the dominant theme of positivist legal postulations in relation to colonialism was that, ‘the nation state was the exclusive source of rights, and that any trans-national or supranational rules were the product of consent given by treaty or custom.’⁸⁶

It must be noted that in the naturalist scheme of international law, the sovereign administered a system of natural law by which it was bound, whereas in contrast, positivism viewed the sovereign not only as the administrator and enforcer of the law, but that the law is a product of the sovereign will. As John Austin, the foremost spokesman of positivism at the time famously asserted: ‘laws properly so called are a species of commands, but being a command, every law properly so-called flow from a determinate source.’⁸⁷ However, this notion of positivist international law, of the classification of states into hierarchies proved contradictory in how relations with others considered inferior and without sovereignty were to be streamlined in the age of empire. How would legal instruments such as treaties and contractual agreements be concluded and applied to Africans and others who have been characterised as uncivilised and lacking in social organization and sovereignty? To this end,

⁸⁵ John Austin, *The Province of Jurisprudence Determined* (Cambridge: University Press, 1995); Jeremy Bentham, *Of Laws In General* (London: Athlone Press, 1970).

⁸⁶ Michael Mulligan, ‘Nigeria, the British Presence in West Africa and International Law in the 19th Century’, *Journal of the History of International Law* (11), 2009, Pp 279-280; Michael E. Tigar, *Law and the Rise of Capitalism* (New York: Monthly Review Press, 2000).

⁸⁷ See, John Austin, *The Province of Jurisprudence Determined* (New York: Noonday Press, 1954), p. 133.

ideas and thinkers came to the rescue by providing notions on how best to structure relations with specifically Africans for purposes of treaty-making and to justify colonialism.

2.3 *Overcoming the Conundrum*

The determinate source of international law in the view of Austin and other positivists was not divine, but an earthly sovereign. This Positivist concept of law derived from an earthly sovereign contradicted Positivist hierarchical classification of the world. As noted above clearly, the classification of the non-European world as uncivilized and lacking capacity in organization and basic political institutions threw up a problematic. Given that treaties as indicated earlier can only be concluded with other sovereigns, how would this play out in practice if treaties were to be concluded with groups already classified as less politically sophisticated? To overcome this hubris, positivist jurists of the age of empire formulated a grand redeeming scheme of bestowing recognition and sovereignty on indigenous leadership for purposes of treaty-making, by supposedly re-admitting expelled non-European groups back into the orbit of international society.⁸⁸ African kings and chiefs were conceptualized as equal sovereigns to enter contracts. Legal thinkers like Travers Twiss offered a way out by strongly making a case for the use of treaties concluded with indigenous leadership recognized as sovereign heads, as the basis for acquiring political and sovereign rights for European powers.⁸⁹ Innovative legal arguments were postulated to justify the use of treaties for the extension of European sovereignty over the non-European world.⁹⁰ Thus, the notion

⁸⁸ Anthony Anghie, *Imperialism, Sovereignty and the making of International Law* (Cambridge: University Press, 2005, p. 65).

⁸⁹ Twiss, *The Law of Nations*, pp.189-192; Andrew Fitzmaurice, 'Liberalism and Empire in Nineteenth-Century International Law,' *American Historical Review*, Vol. 117, No. 1, 2012; Anthony Anghie, 'Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law,' *Harvard International Law Journal*, 40 (1), 1999.

⁹⁰ Prominent Jurists like James Lorimer and John Westlake also postulated on how best to reconstruct and direct prevailing international legal thought in support of and legitimation of empire within the period under

that others could possess rights only through possessing sovereignty extended to them by Europeans was promoted, implying that the societies that had hitherto been classified as lacking in sovereignty could possess some degree of law, and hence some level of sovereignty. It was a case of the Europeans now recognizing the rights of indigenous peoples or extending rights to Africans for purposes of concluding treaties.⁹¹

Henceforth, positivists and imperialists adopted treaties as an international legal instrument and as a primary source to justify and legitimise empire-building, as treaties became viewed as expression of sovereign will. Law as emanating exclusively from a sovereign follows a long tradition notably espoused by renowned political philosophers such as Thomas Hobbes and Jean Bodin.⁹² This Positivist legal methodology of the age of empire, of formulating innovations to justify colonialism engendered a movement towards abstractions – a propensity to throw up new ideas, concepts and categories, which were fine-tuned and amended as a means of preserving order and resolving legal encumbrances.⁹³

Within the context of treaty-making and diplomatic colonisation of this study, it can be argued that legal positivism, with its elaborate vocabulary defining the European world and the other, constructed an international legal framework which was revised to recognize and accommodate African sovereigns with which treaty agreements were concluded as part

review. See, James Lorimer, *The Institutes of the Law of Nations: A Treatise of the Jural Relations of separate Political Communities* (London: William Blackwood and Sons, 1883); John Westlake, *Chapters on the Principles of International Law* (Cambridge: University Press, 1894).

⁹¹ In a submission on the Congo in March 26 1884 to the United States Congressional Committee on Foreign Relations, Twiss argued that indigenous leadership had the right to make treaties ceding their political and sovereign rights to imperial powers, see, Andrew Fitzmaurice, 'Liberalism and Empire in Nineteenth-Century International Law,' *American Historical Review*, Vol. 117, No. 1, 2012, p. 132.

⁹² Anthony Anghie, *Imperialism, Sovereignty and the making of International Law* (Cambridge: University Press, 2005), p.45; Arthur Nussbaum, *A Concise History of the Law of Nations* (New York: Macmillan, 1954); Robert Phillimore, *International Law: Inaugural Lecture* (London: Butterworths, 1897).

⁹³ Anthony Anghie, *Imperialism*, p. 51; C.H. Alexandrowicz, 'Doctrinal Aspects of the Universality of the Law of Nations', *British Yearbook of International Law*, 37, 1961, Pp. 506-515.

of the colonisation process. As Makau Wa Mutua has suggested, the application of positivist international law relating to this criteria for sovereignty rights bellies a convenient manipulation of the legal norms by the authors of the Scramble for Africa to serve their innate interests.⁹⁴ The adoption of treaties as valid legal instruments for territorial acquisition warranted the recognition of indigenous leadership as having the legal personality to conclude agreements. So that, even though the vocabulary of the time denigrated the non-European world and presented the people of the other as unequal, legal positivism created the atmosphere for the wide use of treaties in the nineteenth century.⁹⁵ In the age of empire, positivism became generally accepted and provided the primary legal resource and explanation by jurists of the late nineteenth century to promote the use of and giving effect to treaties for colonialism, and formed one of the legal and ideological bedrocks that shaped European expansionism. In the case of Great Britain and the study areas, men on the spot, Consuls, and Vice-Consuls were vested with administrative and judicial powers by the imperial home government to conclude treaties and use such to gain dominion over indigenous peoples and ultimately incorporate their territories into the British Empire.

2.4 Chapter Summary

This chapter briefly examined the legal ideological constructs that impinged on and shaped earlier and age of empire territorial acquisition enterprises of the European powers. Most importantly, it notes that legal doctrines from Roman times served to propagate modern colonialism, as a transmission of time-tested ideas of empire-building anchored on dominium, tutelage and imperium. In the earlier age, the doctrine of discovery and its

⁹⁴ Makau Wa Mutua, 'Why Redraw the Map of Africa: A Moral and Legal Inquiry', *Michigan Journal of International Law*, Vol. 16, Issue 4, 1995.

⁹⁵ Anthony Anghie, *Imperialism*, p.38.

constitutive elements, ideas which were part of inter-European diplomatic practice, especially treaty-making were treated with utmost seriousness and applied as valid in relations with indigenous groups globally. By the age of empire, justifications for empire-building followed these earlier laid down precepts and were reinforced by legal scholarship at a time the dominant legal thought of Positivism excluded the non-European world from the realm of civilized and sovereign states. However, this conundrum of erasing the non-European world from the orbit of international law and sovereignty was resolved by granting paradoxically, recognition to the leadership of indigenous societies for purposes of treaty-making and other agreements.

In the case of the British Empire, Travers Twiss, James Lorimer, and John Westlake, eminent legal scholars of the nineteenth century – the apogee of imperial expansion, lent their expertise and knowledge to the debates of the time and proffered acceptable interpretations and analyses of legal doctrines to governments,’ institutions and conferences on the value, viability and applicability of these theoretical constructs as suitable instruments for the legitimization of expansion. In particular, it was claimed that treaties concluded with indigenous chiefs and kings transferred political and sovereign rights to the imperial power. It can be argued that Positivist legal thought influenced and emboldened imperial bridgeheads, the men on the spot, traders, missionaries and later consuls, with the knowledge to apply treaties for territorial acquisition on behalf of the British Crown in the age of empire. As indicated in the ensuing case study chapters of this dissertation, in Nigeria, the treaties concluded with indigenous groups were utilised to proclaim protectorates and subsumed peoples and territories under imperial control. The next chapter gives an overview of the practical application of treaty-making for territorial acquisition by the British Empire to

illustrate the wide use of treaty instrument for territorial acquisition. Knowing this adds to our understanding of the legal context and application of legal tools for colonisation globally and specifically in relation to the case studies of this dissertation. It demonstrates that the trend of treaty-making and its usefulness for empire-building had long been recognized by the British before the Scramble for Africa. Most importantly, it must be noted that these legal and ideological doctrines examined here served to propagate both ancient and modern colonialism. It was a transmission of time-tested ideas of empire-building anchored on dominium, tutelage and imperium.

Chapter Three: British Treaty-Making before the Scramble: An Overview

Introduction

The legal discourse in chapter two, especially on the application of legal tools for colonisation, played out significantly in Great Britain's empire-building endeavours in Nigeria, as indicated in the ensuing case study chapters. However, the use of treaties for colonisation, and the role of men on the spot driving the process through diplomacy, had already been exercised before the age of empire. This chapter draws out how legal instruments – treaty-making, as a means of territorial acquisition was practically applied in the specific case of Great Britain's expansion globally. For this dissertation, it is important to understand how the practical implementation of treaty-making for colonisation through 'bridgeheads' developed over time in British imperial enterprise before its application in the Lower Niger areas. This indicates that, treaty-making and use was one of the preferred tools of the British in their expansionary and territorial acquisition venture from earlier times, and that by the time of its application in the Scramble for Africa in the late nineteenth century, it had become a mastered, progressive and growing trend which had been tried out in North America, Asia, Australasia and elsewhere in Africa.⁹⁶ The treaties used in the Niger Delta, and the British methods of acquiring treaties, were heavily influenced, not just by the legal theory outlined in the previous chapter, but by this legal history of the application of treaties

⁹⁶ Edward Keene, 'The Treaty-Making Revolution of the Nineteenth Century,' *The International History Review*, 34:3, 2012, 475-500; Patricia Seed, 'Three Treaty Nations Compared: Economic and Political Consequences for Indigenous People in Canada, the United States, and New Zealand,' *Canadian Review of Comparative Literature*, Vol. 34, No. 1, 2007; Brian Slattery, 'Paper Empires: The Legal Dimensions of French and English Ventures in North America', in John McLaren, A. R. Buck and Nancy E. Wright, (Eds), *Despotic Dominion: Property Rights in British Settler Societies* (Vancouver: University of British Columbia Press, 2005).

before the Scramble. Knowing this helps to contextualise the argument of the role of treaties and peaceful colonisation of this study, and also illuminate historians understanding of the transition from informal imperialism to formal empire in the Niger Basin, as in the case with China, where treaties were used and adapted to suit both forms of empire-building.⁹⁷

The specific overviews of Great Britain's colonisation of Canada, New Zealand, and other aspects of Africa indicate how the British Empire employed the treaty-making mechanism frequently and effectively (from their own perspective). In these instances, a myriad of imperial interests hinged on land for settlement, trade concerns, and above all pacification and gaining of sovereign rights and ultimate control played out simultaneously, so that, the treaties concluded with these groups served multiple purposes. However, despite the differing circumstances of each case as indicated, the treaty-making practice followed a common approach whereby, the contracting parties were officials of the British Crown (men on the spot) or other representatives of the imperial power (Chartered Companies) on one hand, and the kings, chiefs, and representatives of the indigenous peoples who, more often than not, did not fully understand the contents of the treaties, but affixed their marks to the documents, which ultimately transferred political and sovereign rights to the imperial power.

⁹⁷ For details on British encounters with Hong Kong, see: Feige Chris, and Jeffrey A. Miron, 'The opium wars, opium legalization and opium consumption in China', *Applied Economics Letter*, Vol. 15, No. 12, 2008; John Mark Carroll, *A Concise History of Honk Kong* (Plymouth, UK: Rowman & Littlefield Publishers, INC, 2007); Jonathan D. Spence, *The Search for Modern China* (New York: W. W. Norton & Company Inc., 1999); Fay, P. Ward, *The Opium War, 1840-1842: Barbarians in the Celestial Empire in the Early Part of the Nineteenth Century and the War by which they Forced Her Gates Ajar* (Chapel Hill: University of North Carolina Press, 1975; Ching Lin Hsia, 'Treaty Relations between China and Great Britain,' *The Chinese Social and Political Science Review*, 8, 1924. See, also, Mieke van der Linden, *The Acquisition of Africa (1870-1914): The Nature of Nineteenth-Century International Law* (Oisterwijk, Netherlands: Wolf Legal Publishers, 2014); John Gallagher and Ronald Robinson, 'The Imperialism of Free Trade,' *The Economic History Review*, Vol. 6, No. 1, 1953.

These treaties, once concluded formed the basis for all future actions taken by the imperial power to acquire the lands of indigenous peoples for settlement and eventual colonisation.⁹⁸

Given that colonisation was essentially about acquiring land, imposition of law and control, wherever treaties were concluded by imperial powers with indigenous groups, the treaties often served to legalise and validate the encounter process. Whether cession or trade treaties, they often contained clauses which took away the peoples' rights to their territories and bestowed sovereign rights on the imperial power over the indigenous groups. Even though European treaty-making processes have been dismissed in some quarters as fraudulent and unequal, in a recent study, the point has been made that, Europeans promoted treaty-making to give justification to their means of acquiring land than were conquest or occupation, and that they had recognized its importance as a way to reconcile expansion with moral and legal considerations.⁹⁹

This overview indicates that British treaty-making served as a first step for the expropriation of indigenous lands, and to formal colonisation. To this end, British treaties in Canada, the treaty of Waitangi in New Zealand, and treaty-making in aspects of Africa before the Scramble, examined here, further underscores the cogency of the argument in this study in relation to treaty-making and peaceful colonisation in the Western Lower Niger.

3.1 *Treaty-Making in Canada*

⁹⁸Saliha Belmessous (Ed), *Empire By Treaties Negotiating European Expansion, 1600-1900*, (Oxford: University Press, 2015); Omoniyi Adewoye, *The Judicial System in Southern Nigeria, 1854-1954: law and justice in a dependency* (Atlantic Highlands, New Jersey: Humanities Press, 1977); J. F. Maitland-Jones, *Politics in Ex-British Africa* (London: Littlehampton Book Services Ltd, 1973).

⁹⁹Saliha Belmessous (Ed), *Empire by Treaty Negotiating European Expansion, 1600 – 1900* (Oxford: University Press, 2015), p. 1; Becker Anulf Lorca, 'Universal International Law: Nineteenth Century Histories of Imposition and Appropriation,' *Harvard International Law Journal*, Vol. 51, No. 2, 2010.

Great Britain's acquisition of Canada and its transformation into a settler colony represents a legacy of inter-imperial diplomatic and military rivalries, grand treaty settlements between imperial powers and treaty-making between imperial powers and indigenous peoples. The elements of the doctrine of Discovery were applied broadly by Great Britain to gain dominion over indigenous peoples in North America. The various commercial compacts, friendship treaties and treaties which ceded indigenous territories to the French and later the British at different times followed age-old inter-European territorial acquisition patterns. From 1497 when the first English settlement of Newfoundland was inaugurated, Great Britain's expansion was accelerated by imperial agents and specifically by the trading and land acquisition activities of the Hudson's Bay Company (HBC).¹⁰⁰

In the age of discovery and trade in North America, contending European powers, especially Britain and France scrambled for treaties of commerce and diplomatic association with indigenous peoples. This inter-imperial rivalry for control of North America, swept in a swathe of indigenous groups in Canada into its machinations.¹⁰¹ Whereas the treaties of commerce were imperial-indigenous settlements for trade advantages, the diplomatic treaties of alliance, of peace and friendship according to James Rodger Miller were for inter-imperial conflicts and alliances, as both the French and the British coveted the friendship of indigenous peoples.¹⁰² It was in the aftermath of one such inter-imperial hostility, the Seven Years' War between France and Britain for dominance in North America, which began in

¹⁰⁰ L. Behrendt, R. J. Miller, and T. Lindberg (Eds), *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies* (Oxford: University Press, 2010); Melvin E. Page (Ed), *Colonialism An International Social, Cultural and Political Encyclopedia, Vol. 1* (New York: ABC-CLIO, 2003); Simon Hall, *The Hutchinson Illustrated Encyclopaedia of British History* (Oxford: Helicon Publishing Ltd, 1995).

¹⁰¹ J. R. Miller, 'Compact, Contract Covenant: Canada's Treaty-Making Tradition', The Keenan Annual Lecture, St. Thomas More College, 2003, p. 8.

¹⁰² James Rodger Miller, *Compact, Contract and Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University Press, 2009).

1756 that the Royal Proclamation of 1763 came into being. Regarded as the beginning of formal British colonisation in Canada, this imperial instrument would later have significant impact on British – Indigenous relations and the treaty-making regime in Canada. First, it enabled the British to gain swathes of land from the French.¹⁰³ Secondly, it paved the way for the negotiation of territorial treaties between indigenous peoples and the British who craved access to land for settlement, culminating ultimately in the Canadian Confederation of 1867.¹⁰⁴ All subsequent British actions after the Royal Proclamation up to Confederation were transitional moves from informal control to formal colonisation.¹⁰⁵

Clearly, in Canada, Great Britain relied on treaties concluded with indigenous groups as valid instruments for proclaiming the Canadian Confederation. This pattern was similarly applied in relation to the case study areas of this dissertation when, after the Berlin Conference, the Niger Districts were proclaimed on the strength of concluded treaties with indigenous peoples of the area. Another discernible feature of Great Britain's expansion in Canada was the role of the Charter Company, HBC. As it later turned out in the case of the Royal Niger Company in the Western Delta (chapter six), the HBC played a significant role in concluding treaties with indigenous groups for land acquisition.¹⁰⁶ The HBC's territories

¹⁰³ Theodore Binnema, Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada, *The International History Review*, 35:2, 2013, 426-427; Jim R. Miller, 'Aboriginal-Crown Treaty-Making in Canada: A Many-Splendoured Thing', in Jerry P. White, Erik Anderson, Jean-Pierre Morin and Dan Beavon (Eds) *A History of Treaties and Policies, Vol. VII* (Ottawa: Aboriginal Policy Research, 2010, Pp. 4-5).

¹⁰⁴ James Rodger Miller, 2009, P. 290; John C. Weaver, 'Economic Improvement and the Social Construction of Property Rights: Highlights from the English-Speaking World,' in J. McLaren, A. R. Buck, and N. Wright (Eds), *Despotic Dominion: Property Rights in British Settler Societies* (Vancouver: University of British Columbia Press, 2005); J. R. Miller, 'Compact, Contract Covenant: Canada's Treaty-Making Tradition', The Keenan Annual Lecture, St. Thomas More College, 2003, p.2.

¹⁰⁵ Sharon H. Venne, 'Treaties Made in Good Faith', *Canadian Review of Comparative Literature*, Vol. 34, No. 1, 2007, p. 8.

¹⁰⁶ Alain Beaulieu, 'The Acquisition of Aboriginal Land in Canada The Genealogy of an Ambivalent System (1600-1867)' in Saliha Belmessous (Ed), *Empire by Treaty Negotiating European Expansion, 1600-1900* (Oxford:

were later handed over to the Crown as formal control intensified, just as the territories of the RNC in Nigeria were handed over to the Crown in 1899. The interplay of treaty-making and chartered companies acting on behalf of the imperial power were clearly tried and tested patterns of colonisation before their application in the Niger Basin.

As explored in the previous chapters, the dominant European view of territories and homelands of indigenous peoples as free for the taking was hinged on racial characterisations which, presupposed that the Europeans were bringing civilization and prosperity to these places and peoples.¹⁰⁷ As a demonstration of pacific colonial expansion through treaty diplomacy, the general picture of British treaty-making in Canada encompassing the period of the granting of the Charter to the Hudson's Bay Company in 1670 to Confederation in 1867 showcased how commercial agreements, diplomatic compacts and territorial treaties were used to achieve absolute propriety of indigenous territories. The various agreements followed a similar pattern with the indigenous peoples viewing them as basically friendship ententes, while British perceptions were characterized by subtle and veiled intents of land cession, appropriation and ultimate colonisation.¹⁰⁸ W. E. Daugherty has noted that, even though they were styled treaties of Peace and Friendship, most of the treaties began with the words 'Articles of Peace and Submission.'¹⁰⁹ This was a clear indication of the true desires of

University Press, 2015, Pp 101-131); Tamara Starblanket, 'Treaties: Negotiations and Rights' in Cheryl Avery and Darlene Fichter (Eds), *Our Legacy Essays* (University of Saskatchewan, 2008).

¹⁰⁷ Sharon H. Venne, *Our Elders Understand our Rights: Evolving International Law Regarding Indigenous Peoples* (Penticton, British Columbia: Theycus Books Ltd, 1998); Augie Fleras and Jean Leonard Elliott, *The Nations Within: Aboriginal-State Relations in Canada, the United States, and New Zealand* (Toronto: Oxford University Press, 1992); D. A. Lorimer, 'Nature, Racism, and Late Victorian Science,' *Canadian Journal of History*, XXV, 1990.

¹⁰⁸ Brian Slattery, 'Aboriginal Sovereignty and Imperial Claims,' *Osgoode Hall Law Journal*, Vol. 29, No. 4, 1991; J. R. Miller, *Compact, Contract, Covenant*, 2003; J. R. Miller, 2003, p. 6.

¹⁰⁹ W. E. Daugherty, 'Maritime Indian Treaties In Historical Perspective,' *Treaties and Historical Research Centres, Research Branch, Corporate Policy, Department of Indian and Northern Affairs Canada, 1983*, Pp. 70-74.

the British to employ subtle and ‘peaceful’ means to bring the indigenous peoples under its control.

On the whole, British treaty-making enterprise in Canada metamorphosed from peace and friendship treaties to land cession treaties, a process which was intensified after the proclamation, as imperial officials such as, Robinson, Douglas, and later Sir William Johnson of the British Indian Department, acting as imperial bridgeheads, concluded several land surrender treaties with various indigenous groups along the Great Lakes Basin.¹¹⁰ The significance of these imperial bridgeheads in the light of peaceful colonisation through treaty diplomacy in this study was that, it was the case of imperial officials contracting on behalf of the British Crown with the objective of securing sovereignty rights over the territories of the indigenous peoples through the concluded treaties. This trend of men on the spot, driving the imperial cause and course, would play out in similar manner in Great Britain’s treaty-making encounters with the study groups as indicated in the ensuing chapters. Clearly, treaty-making with indigenous groups played a central role in Great Britain’s eventual colonisation of Canada, and this pattern of treaty-making in Canada was exported and applied in Great Britain’s encounters with the study groups of the Western Lower Niger.

3.2 Acquiring New Zealand with the Treaty of Waitangi

New Zealand is significant amongst British possessions in the age of discovery and settler colonisation as one in which Britain secured sovereignty over it in 1840 through a cession

¹¹⁰ John Borrows, ‘Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self-Government,’ in Michael Asch (Ed), *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference* (Vancouver: University of British Columbia Press, 1997); David L. Schmidt and Balcom, B. A., ‘The Reglement of 1739: A Note on Micmac Law and Literacy,’ *Acadiensis*, 23, no.1, 1993; Robert J. Surtees, ‘The Robinson Treaties,’ *Treaty Research Report, Treaties and Historical Research Centre Indian and Northern Affairs Canada*, 1986; W. E. Daugherty, ‘Maritime Indian Treaties In Historical Perspective,’ *Treaties and Historical Research Centres, Research Branch, Corporate Policy, Department of Indian and Northern Affairs Canada*, 1983.

treaty – (the treaty of Waitangi), concluded with several indigenous Maori chiefs, and not by outright military conquest. Here, a chain of events involving men on the spot, and indigenous agency led to the transfer of land through treaty from the Maori to the British, just as it was in North America and Australia.¹¹¹ Propelled by trade and the possibility of settling the land on the basis of discovery, with a perception of the indigenous peoples as backwards, the arrival of James Cook in 1769 increased English presence in New Zealand thereafter.¹¹² British – Maori contacts and encounters progressed with little or no altercations except an incident involving a sailing ship in December 1809.¹¹³

As with the case in Nigeria and elsewhere, the perspective that Britain's expansionist desires alone cannot account for the chain of events which led to colonisation of groups globally by the British Empire is tangible. In this case of New Zealand, just because it is not clear that Maori signatories knew what they signed, or that the power dynamics did not favour the indigenous peoples, historians of New Zealand have not ignored the treaty-making process, as Nigerian scholars have done. Indeed, New Zealand historians, demonstrate how valuable it can be to study colonial treaties. In 1831, a Petition by Maori Chiefs called for British protection, having been devastated by three decades of internal conflagrations in which, up to one-fifth of their population died. Thus, the Maori called for British intervention

¹¹¹ John Darwin, *Unfinished Empire The Global Expansion of Britain* (London: Penguin Books Ltd, 2012).

¹¹² Bernholz, Charles D., O'Grady, Brian T., and Pytlik Zillig, Brian, 'The Treaty of Waitangi, 1840: A Levenshtein edit distance analysis of English language variants,' Faculty Publications, University of Nebraska-Lincoln Libraries, 274, 2012; Claudia Orange, 'Treaty of Waitangi', *Te Ara – the Encyclopedia of New Zealand*, June, 2012; Patricia Seed, 'Three Treaty Nations Compared: Economic and Political Consequences for Indigenous People in Canada, the United States and New Zealand,' *Canadian Review of Comparative Literature*, Vol. 34, No. 1, 2007; Anne Salmond, *Between Worlds: Early Exchanges between Maori and Europeans 1773-1815* (Auckland: Viking, 1997).

¹¹³ A sailing ship, 'Boyd' was attacked by indigenous people in 1809, leading to reprisal action by Whalers. Michael King, *The Penguin History of New Zealand* (Auckland: Penguin Books Ltd, 2003).

to stem the chaos and violence in their domain.¹¹⁴ This move inadvertently gave the imperial power a chance to interfere in the internal affairs of the indigenous people and use such to foster their own agenda of colonisation. As Robinson and Gallagher have noted, in the course of European colonisation, there were instances where, often the colonised were collaborators in their own subordination, through their friendly and welcoming disposition to the encroachment of the imperial powers.¹¹⁵ This argument can be extended to this case of the Maori for British intervention in their internal affairs. As indicated in the case study chapters, this trend played out in Great Britain's encounters with Lower Niger groups too.

Like the case of the HBC in Canada, and the Royal Niger Company (RNC) in the study areas, a chartered company, the New Zealand Company (NZC), also acted on behalf of Great Britain in the colonisation of New Zealand. In the early nineteenth century, in order to protect its trading interests, the company called on the home government to assume a frontline position on Maori-Settler relations.¹¹⁶ The appointment of the first British official Resident, James Busby in 1833, set in motion, the actions of the British man on the spot. Between 1834 and 1835, acting on behalf of Great Britain, Busby talked some Maori chiefs of the Northern Tribes to adopt a flag and conclude an agreement for a Declaration of independence for New Zealand. This was to be a Confederation of united tribes and represents an important peaceful step towards the eventual conclusion of the treaty of Waitangi. The 34 Maori chiefs, who ended up signing the declaration on 28th October 1835, not only thanked Great Britain for recognizing their flag, but also called on the Crown

¹¹⁴ Steve Watters, 'History of New Zealand, 1769-1914,' (Ministry for Culture and Heritage, New Zealand, 2016), available from: <http://nzhistory.govt.nz/culture/history-of-new-zealand-1769-1914>; James Belich, *Making Peoples: A History of the New Zealanders* (London: Penguin, 2007).

¹¹⁵ Robinson, R. & J. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961).

¹¹⁶ Jock Phillips and Terry Hearn, *Settlers: New Zealand Immigrants from England, Ireland and Scotland 1800-1945* (Auckland: University Press, 2008); John Darwin, *Unfinished Empire*, p. 84.

to become the father and protector of the Maori.¹¹⁷ Busby regarded this agreement as significant in stopping other European powers from making in-roads into New Zealand, and his effort, again, remains a pointer to the role of men on ground, driving the imperial agenda, and influencing the course of events through their ideas and actions on behalf of the imperial power.

Great Britain's colonisation of New Zealand represents a classic application of the discovery element of title rights through treaties. A legal tool deployed for peaceful colonisation by an imperial power. To transition from informal control to formal colonisation in New Zealand, the Colonial Office dispatched William Hobson to New Zealand as Lieutenant Governor, with a charge to bring the whole of the Pacific Island under British sovereignty with the consent of as many Maori chiefs as possible.¹¹⁸ Hobson left England in August 1839 to carry out this directive and arrived New Zealand on 29 January 1840. With assistance from Busby, Hobson concluded on 6 February, the treaty of Waitangi (versions in English-language and Maori-language), with Maori chiefs on the grounds of Busby's official quarters at Waitangi.¹¹⁹ European witnesses from varied places also signed each copy of the treaty, so that at the end of 1840, New Zealand became to all intents and purposes, a de-facto Crown colony of Britain with Hobson as Governor.¹²⁰

¹¹⁷ See, Steve Watters, 2016, p. 3.

¹¹⁸ Jock Phillips, 'History of immigration', Te Ara - the Encyclopedia of New Zealand, Available from: <http://www.TeAra.govt.nz/en/history-of-immigration>. (accessed 19 February 2018)

¹¹⁹ Damen Ward, "A Text for Every Agitator Amongst the Natives" Maori Property, Settler Politics, and the Maori Franchise in the 1850s', in Saliha Belmessous (Ed) *Empire by Treaty Negotiating European Expansion, 1600 – 1900* (Oxford: University Press, 2015, p. 219); William Colenso, *The Authentic and genuine history of the signing of the Treaty of Waitangi* (Wellington: Government Printer, 1890). 40 Maori Chiefs signed the treaty after debating it for days. In September, another 500 Maori Chiefs including women signed the treaty.

¹²⁰ Claudia Orange, *The Treaty of Waitangi, 2nd edition* (Auckland: Bridget Williams Books, 2011); A. H. McIntock, *Crown Colony Government in New Zealand* (Wellington: Government Printer, 1958).

By November, Hobson assumed the usual powers and prerogatives as Governor, was assisted by an executive council, and constituted a legislative body with full powers to make laws and enact ordinances for the peace, order and good governance of New Zealand.¹²¹ Within the context of treaty diplomacy and peaceful colonisation of this study, Great Britain's acquisition of New Zealand reflects once again the carry over and application of the heritage of treat-making for territorial acquisition and for imperium and dominion. With the declaration of British sovereignty over the territory by Lieutenant Governor William Hobson in May 1840, it represents a manifestation of British imperialism which had followed earlier traditions such as the Royal Proclamation of 1763 in Canada, in which the Crown explicitly took possession of indigenous territories through purchase or cession treaty. The treaty of Waitangi expressly stated providing protection for the Maori. Within the context of European legalistic notions of what protection entails, it meant the imperial power assuming full political rights over the people in all ramifications. Next is an examination of British expropriation of indigenous territories elsewhere in Africa before the general Scramble through treaty-making.

3.3 British Treaty-Making Narrative in Africa

In aspects of Africa, the practical implementation of the legalistic context of colonialism also played out long before the start of the Scramble for Africa and its intensification after the Berlin Conference. Even in Nigeria, the very first Crown Colony of Lagos was instituted through a combination of conquest and a treaty. While British gun-boat diplomacy against Lagos in 1851 was engendered by a need to stop ongoing slave trading activities, the

¹²¹ See Michael King, 2003, p. 196.

annexation proper in 1861 was achieved through a cession treaty with King Dosunmu.¹²² This treaty to all intents and purposes subsumed Lagos under British control, was a precursor to future treaty-making in the Nigeria area, and represented the first step towards the formal take-over of Nigeria by the British.¹²³ Clearly, despite their military capacity the British resorted to a treaty with Lagos because of a need for form and legality in the colonisation process.¹²⁴ The point to note here within the context of the application of the legalities discussed in chapter two is that, the treaty-making episode with Lagos represents a heritage of old European tradition of treaties as a means of establishing title over territory.¹²⁵ The significance here is that, the treaty served the purpose of giving Great Britain recognition over its control of Lagos internally and externally.

Elsewhere in Africa, treaty-making and use was equally an important part of conquest before the general Scramble. Given that British imperial interests everywhere were primarily shaped by early commercial opportunities, in Southern Africa, trade concerns were reinforced by the strategic importance of the Cape towards safeguarding the sea route to

¹²² TNA, F.O 403/484: Africa (West Coast), Treaties with native chiefs; Gambia, Sierra Leone, Gold Coast, Lagos; 1642-1891; John Darwin, *Unfinished Empire The Global Expansion of Britain* (London: Penguin Books, 2012) p 61; Martin Lynn, 'Consuls and Kings: British Policy, 'the Man on the Spot,' and the Seizure of Lagos, 1851,' *The Journal of Imperial and Commonwealth History*, Vol. 10, No. 2, 1982; A. G. Hopkins, 'Property Rights and Empire: Britain's Annexation of Lagos, 1861,' *The Journal of Economic History*, Vol. 40, No. 4, 1980; Robert S. Smith, 'The Lagos Consulate, 1851-1861: An Outline,' *Journal of African History*, Vol. 15, No. 3, 1974.

¹²³ Adeyemo, Elebute, *The Life of James Pinson Labulo Davies: A Colossus of Victorian Lagos* (Lagos: Kachifo Limited/Prestige, 2013); Akin Oyeboode, 'Treaties and Colonial Enterprise: The Case of Nigeria,' *African Journal of International and Comparative Law*, Vol. 2, No. 17, 1990, p 23; Robert Smith, 'The Lagos Consulate 1851-1861: An Outline,' *Journal of African History*, Vol. 15, No. 3, 1974.

¹²⁴ The then British Prime Minister, Lord Palmerston noted the expediency of assuming formal control in Lagos in the face of French activities in nearby Dahomey. See, Kiwanuka S., 'From Colonialism to Independence: A Reappraisal of Colonial Policies and African Reactions, 1870-1960', *Kenya Literature Review*, (1982); Robert Smith, *The Lagos Consulate*, 1974.

¹²⁵ For a broader view on Palmerston's disposition towards the anomalous Lagos area, see, TNA, F. O. 84/1141, Foreign Office to Foote, 23 June 1861; R. J. Garvin, 'Palmerston's Policy Towards East and West Africa, 1830-1865,' PhD Dissertation, Cambridge University, 1958.

India and the Far East.¹²⁶ This much was echoed by British Admiral Pringle who warned in 1795 that the Cape should not be allowed to be controlled by the Dutch; because they were ‘more likely to rob us of India than to secure it to us.’¹²⁷ As in the case with Lagos and Dahomey, in relation to fears of French encroachment,¹²⁸ British actions to consolidate its hold in Southern Africa were dictated by imperial rivalry. In this instance, inter-imperial agreements between the British and the Dutch, the earlier settlers in South Africa, led to Great Britain’s conquest in 1795.¹²⁹ With time, several land related treaties were concluded with the indigenous Xhosa for territorial appropriation. However, in Southern Africa, the dynamics of the settler system and indigenous reactions meant that treaty-making alone could not be relied on for colonisation. Rather, Great Britain’s eventual colonisation of all parts of South Africa was more through force than through the diplomacy of treaty-making. Nevertheless, again, the point stressed here is that, even in cases where violent conquest characterized the imposition of imperial rule, treaties remained important instruments justifying the legality of the process as it was in South Africa.

¹²⁶ Niall Ferguson, *Empire, How Britain made the Modern World* (London: Penguin Books, 2003); Ronald Hyam, *Britain’s Imperial Century, 1815-1914: A Study of Empire and Expansion* (London: Basingstoke: Palgrave Macmillan, 2002); J. D. Hargreaves, *Prelude to the Partition of West Africa* (London: Macmillan and Company Ltd, 1963).

¹²⁷ Leonard Thompson, *A History of South Africa* (New Haven and London: Yale University Press, 2001); Lady Anne Bernard, *South Africa a Century Ago: Letters Written from the Cape of Good Hope (1797-1801)*, 1901, P. 53-54, as quoted in Timothy Keegan, *Colonial South Africa...*, P. 43; Darrell Peter Kruger, *Colonial Natal, 1838 to 1880: The Making of a South African Settlement System*. Unpublished PhD Dissertation, Louisiana State University, 1994, P. 104.

¹²⁸ C. W. Newbury, and A. S. Kanya-Forstner, ‘French Policy and the Origins of the Scramble for West Africa,’ *Journal of African History*, Vol. 10, No. 2, 1969; C. W. Newbury, ‘The Development of French Policy on the Lower and Upper Niger, 1880-98,’ *The Journal of Modern History*, Vol. 31, No. 1, 1959; Norman Dwight Harris, ‘French Colonial Expansion in West Africa, The Sudan, and the Sahara,’ *The American Political Science Review*, Vol. 5, No. 3, 1911.

¹²⁹ Davenport, T. R. H., and Saunders Christopher, *South Africa: A Modern History*, 5th Ed. (New York: St. Martin’s Press, 2000); Timothy Keegan, *Colonial South Africa and the Origins of the Racial Order* (London: Leicester University Press, 1996); Els M. Jacobs, *In Pursuit of Pepper and Tea: The Story of the Dutch East India Company* (Amsterdam: Walberg Pers, Zutphen, 1991); Leonard Guelke, ‘Freehold Farmers and Frontier Settlers, 1657-1780,’ in Richard Elphick and Hermann Giliomee (Eds), *The Shaping of South African Society, 1652-1840* (Cape Town: Maskew Miller Longman, 1989).

Similarly, in the Gold Coast, an interplay of treaty-making, diplomacy, and war characterized Great Britain's empire-building efforts. Here, treaties were employed not just as title rights for colonialism, but to ward off an African empire, the Ashanti Kingdom.¹³⁰ In this instance, treaty-making episodes between Great Britain and the indigenous people, particularly the Fante, were a common feature in the decades leading up to the annexation of their territories in 1874.¹³¹ These treaties with the Fante should not be read as simply part of violent conquest. The commercial and diplomatic relationship between the British and the Fante people (one of a number of indigenous groups in the Gold Coast, the other being the more prominent Ashanti), from about 1830 to the establish of a Crown Colony in 1874, depended on a long-established tradition of indigenous African negotiation and treaty-making involving imperial bridgeheads - merchants and administrators.¹³² In other words, local Fante actively embraced economic and political links with the British because of the greater immediate threat from the Ashanti Kingdom. After the defeat of the Ashanti by British forces, a treaty was concluded in which the Ashanti recognized British dominion and, importantly, the independence (from the Ashanti) of other smaller indigenous states. The significance of these treaty-making episodes by the British again, points to importance of treaty diplomacy, given that, with the treaties, the imperial power indicated claims to land rights and political sovereignty. It also is an important demonstration of the mutual benefits which participants thought they could achieve through strengthening ties through treaties.

¹³⁰ Peter B. Kilby, *The Anglo-Asante War of 1873-1874: A Narrative and Analysis*, Unpublished Masters Dissertation, Simon Fraser University, 1968, P. 36.

¹³¹ The British concluded several commercial and cession treaties with the Fante between 1831 and 1852, and Fante territories were regarded as British Protectorate for at least 30 years before Crown Colony was established in 1874. See, Rebecca Shumway, 'Palavers and Treaty Making...' p. 166.

¹³² Rebecca Shumway, 'Palavers and Treaty Making in the British Acquisition of the Gold Coast Colony (West Africa),' in Saliha Belmessous (Ed), *Empire by Treaty Negotiating European Expansion, 1600 – 1900* (Oxford: University Press, 2015), p. 163; Crooks, J. J., *Records Relating to the Gold Coast Settlements from 1750 to 1874*, 1st Ed, (London: Frank Cass, 1923, p. 539).

3.4 Chapter Summary

This brief overview of the British Empire's treaty-making enterprise prior to the Scramble attempted to give an understanding of the different circumstances but common approach employed in empire-building globally. It has been demonstrated that in areas of British interests such as in Canada, New Zealand, and in aspects of Africa, treaty-making was employed side by side with force as an important step and tool in the colonisation process. By the time of the general Scramble for Africa, the application of treaty-making for colonisation was a trend that was only carried forward from earlier practice. In these instances of Canada, New Zealand, and Africa, the role of men on the spot, and chartered companies and their agents driving the imperial agenda was also a common feature, just as economic and political conditions on ground in the indigenous societies served as a pointer to indigenous agency in the colonisation process. These dimensions of imperial-indigenous relationships would play out significantly in the case study areas of this research as indicated in the ensuing chapters. It is worth noting that, Great Britain's deployment of treaty-making in colonialism was quite pervasive and not limited only to the examples given here. In some instances, as in Hong Kong, the treaties served both to end wars and as instruments for land appropriation.¹³³ It was interplay of trade concessions, war and treaty diplomacy combining to enable Britain gain eventual control.

The next five chapters examined the direct application of treaty-making and peaceful colonisation by the British in the case study areas of the Western Lower Niger. The

¹³³ Steve Tsang, *A Modern History of Hong Kong* (London: I. B. Tauris, 2007), Pp. 3-36; Kasaba, R., 'Treaties and Friendship: British Imperialism, the Ottoman Empire and China in the Nineteenth Century', *Journal of World History*, Vol. 4, No. 2, 1993; Chang, Hsin-Pao, *Commissioner Lin and the Opium War* (Cambridge: Harvard University Press, 1974); Chesneaux Jean, Marianne Bastid, and Marie-Claire Bergere, (translated from French by Anne Destenay), *China from the Opium Wars to the 1911 Revolution* (New York: Pantheon, 1976); Waley, Arthur, *The Opium War Through Chinese Eyes* (London: George Allen & Unwin, 1958).

Protectorate treaties concluded by the officials and agents of Great Britain as well as the Royal Niger Company (RNC), between 1884 and 1896, some of which Goldie on behalf of the British Empire, rushed to, and presented at the Berlin Conference as evidence of British effective presence in the Lower Niger region served to indicate the central place of treaty diplomacy in Great Britain's colonisation of the study groups. Derivative acquisition through treaties of cession was the prominent mode of expropriation rather than primitive acquisition hinged on force. Premised on the basis of these case studies of the Western Lower Niger, the central place of treaty-making and less of violent colonisation within the context of British expansion in the age of empire was examined against existing perspectives on conquest by historians of Nigeria. In the discourse, the case studies examined the treaty-making processes, the pacification of the territories by the British using the treaties, and highlighted instances where force was applied. Clearly, from the evidence as demonstrated in the case studies, treaty-making and peaceful diplomacy was the principal pattern of Great Britain's pacification, legalization and colonization of the Western Lower Niger between 1884 and 1914.

Chapter Four: The British and the Itsekiri

It is hereby notified for public information, that under and by virtue of certain Treaties concluded between the month of July last and the present date, and by other lawful means, the territories on the West Coast of Africa, here-in-after referred to as the Niger Districts, were placed under the Protection of Her Majesty's the Queen from the date of the said Treaties respectively...The measures in course of preparation for the administration of justice and the maintenance of peace and good order in the Niger Districts will be dully notified and published.¹³⁴

Introduction

This proclamation in the *London Gazette* of 1885, exemplifies the use of treaties as a tool for colonisation by Great Britain in the age of empire. This chapter focuses on the beginning of Great Britain's treaty-making episodes in the region with the Itsekiri. The various Protectorate treaties concluded with indigenous groups bestowed on officials of Great Britain sovereign and political rights and served to legitimise acquisition of the Western Lower Niger. Ideological and legal constructs underpinning the practice of treaty-making for

¹³⁴The *London Gazette*, June 5, 1885, P. 2581. In June 1885, Great Britain declared the Niger Districts Protectorate over the territories of the various groups in this study. The Proclamation was ostensibly carried out on the strength of treaties earlier concluded with the chiefs of the various groups. Also, in doing this, the British were conforming to Article 34 of the General Act of the Berlin Conference which stipulated amongst others that powers which take possession of and assumes a Protectorate in Africa should accompany such an act with a notification to the knowledge of other Signatory Powers of the Berlin Act.

colonisation anchored on legal positivism as has been indicated and discussed, provided the impetus for imperial powers to deploy treaty-making and use in the colonial enterprise. This tradition of treaties for colonisation that had been applied in Canada, New Zealand, and elsewhere in Africa before the Scramble, easily became a means of choice for Great Britain in its relations with the study groups. Treaties cleared the way for the application of other means of pacification. Thus, this chapter and the next four sorted out the larger role of treaty-making by Great Britain with the case study groups, that is; Western Ijo, the Urhobo, Isoko and Ukwuani. The processes of the various Protectorate treaties concluded between officials of Great Britain and the kings and chiefs of the peoples, beginning with the Itsekiri treaty of 1884, provides the springboard for the discourse.

A close analysis of the events surrounding Great Britain's relations with the Itsekiri, and subsequent encounters with the other groups debunks the view that Great Britain's expansion in Nigeria was essentially a narrative of conquest by force of arms.¹³⁵ In such narratives, Great Britain's encounter with the Itsekiri in particular, often begins with the so called spectacular episode of a British Naval and military offensive against the Itsekiri trader-chief, Nana Olomu in 1894. Indeed, the British military interaction with Nana is one of the only aspects of regional conquest which usually gets mentioned in this scholarship; with the assumption made that what happened there was typical.¹³⁶ The evidence does not support this singular narrative. The beginning of Great Britain's relation with the Itsekiri predates the

¹³⁵ Standard historiography by historians of Nigeria place emphasis on military conquest; See, Falola, T., and Heaton, M. M., *A History of Nigeria*, (Cambridge: University Press, 2008); Elizabeth Isichei, *A History of Nigeria* (London: Longman, 1983); Obaro Ikime (Ed), *Groundwork of Nigerian History* (Ibadan: Heinemann, 1980); T. N. Tamuno, *The Evolution of the Nigerian State the Southern Phase 1898-1914* (London: Longman, 1972); J. C. Anene, *Southern Nigeria in Transition 1885-1906 Theory and Practice in a Colonial Protectorate* (Cambridge: University Press, 1966).

¹³⁶ See, Obaro Ikime, *The Fall of Nigeria: The British Conquest* (London: Heinemann, 1977); *The Merchant Prince of Niger Delta* (London: Heinemann, 1968).

events of the military expedition against Nana. Moreover, as has been noted in the introduction to this study, Great Britain's formal colonisation of the study groups involved not just treaty-making as a form of peaceful diplomacy but equally discernible was the role of men on the spot, driving the colonial agenda, by immersing themselves in the politics of the indigenous societies. Again, as has been indicated in the introduction, imperial officials often embarked on Intel-gathering in a peaceful manner towards a better understanding of the indigenous peoples. This colonial knowledge of the people also played out in the encounter process as well as the local conditions of the indigenous societies which engendered in some cases indigenous collaboration in the process of colonisation. Essentially, agency has been explained by Jon E. Wilson as how a people have the power to act in a self-directing way, a free capacity to do things for themselves.¹³⁷ This trend indicates that British expansionist ideas alone could not account for the chain of events and developing relations between the imperial power and the indigenous peoples. Why Great Britain wanted the treaties cannot be extricated from the ideological underpinnings surrounding European legal ideas of treaty-making and colonisation as has been discussed in chapters two and three. However, it is safe to say that British recourse to treaties was perhaps connected with an incapacity for comprehensive military conquest of the areas, reinforced by a love for legal form and tradition carried forward over time. Itsekiri themselves, under intense economic and political pressure from Nana, seem to have actively embraced protection from Britain, and so colonisation was largely peaceful in nature.

In light of the foregoing, this chapter presents the encounters between the Itsekiri and the British in proper perspective, exploring the early contacts between the peoples and the

¹³⁷ Jon E. Wilson, 'Agency, Narrative, and Resistance,' in Sarah Stockwell (Ed) *The British Empire: Themes and Perspectives* (Oxford and Malden, MA: Blackwell Publishing, 2008).

officials of Great Britain, the later treaty-making episodes, texts and follow up of the treaties leading up to the incorporation of the territories of this group into what emerged as the British protectorates of the Niger Districts, The Oil Rivers, Niger Coast, Southern Nigeria and eventually, the colony and protectorate of Nigeria between 1884 and 1914. The chapter reveals that, the British resorted to treaty-making for colonisation as an old tradition of legalising territorial acquisition. The encounters with the Itsekiri were generally of a peaceful nature driven by men on the spot. Save for the episode of the attack on Nana, (who was himself a British-appointed Governor of the Benin River), the two treaties with the Itsekiri in 1884 and 1894, to all intents and purposes subsumed Itsekiriland under British control in the nineteenth century.



Figure 4. Map indicating the contiguity of the study groups¹³⁸

4.1 *European Perceptions and Early History*

Early European encounters with indigenous peoples yielded the first written descriptions of the territories and the peoples, accounts which documented the ethnography and geography of the area.¹³⁹ This trend of intelligence collecting as has been noted in the introduction, represented a need by early European traders and imperial agents to know more about the people, especially their topography, and human information so as to, as Tony Ballantyne has suggested, exert mastery over the indigenous society, its natural and human resources and its

¹³⁸ See, [http://: www.waado.org/nigerdelta/Maps/WestNiger_Ethnic.html](http://www.waado.org/nigerdelta/Maps/WestNiger_Ethnic.html)

¹³⁹ Leila Koivunen, *Visualizing Africa in Nineteenth-Century British Travel Accounts* (London: Routledge, 2009); Mary Louise Pratt, *Imperial Eyes Travel Writing and Transculturation* (London: Routledge, 1992).

cultural forms.¹⁴⁰ Much of the information for this section are drawn from existing studies based on ethnographic data of the Itsekiri, collected by British officials.¹⁴¹ This collection of information represents an important part in understanding the argument of peaceful colonisation in this study, and ties in with suggestions earlier noted that empire-building was itself a cultural project of control, through peaceful knowledge of the ways and means of the people.

The significance of European knowledge-gathering is exemplified by the very name of the people. In European accounts of the era of contact, it is not uncommon to see references to the Itsekiri as ‘*Oere*,’ ‘*Ouere*,’ ‘*Aweri*,’ ‘*Owerri*,’ ‘*Jekri*,’ ‘*Zekri*,’ and ‘*Jakri*,’ and even as Warri and Benin, given that European contact with them took place on the banks of the Benin River.¹⁴² However, locals refer to themselves as the *itsekiri* or *iwere*; their neighbours, the Urhobo, refer to them as the *irhobo* – a term which characterises people who float on water; while the Ijo call them *selemo*. The Itsekiri speak a dialect of the language of the Yoruba, a larger indigenous group in South Western Nigeria. The Yoruba language is quite different from the languages spoken by all of the other groups, and thus the Itsekiri are

¹⁴⁰ Tony Ballantyne, ‘Colonial Knowledge,’ in Sarah Stockwell (Ed), *The British Empire: Themes and Perspectives* (London: Wiley-Blackwell, 2008); Bernard S. Cohn, *Colonialism and its Forms of Knowledge: The British in India* (New Jersey: Princeton University Press, 1996).

¹⁴¹ P. C. Lloyd’s ‘The Itsekiri in the Nineteenth Century; An Outline Social History,’ is a comprehensive study on the early history and political system of the people using ethnographic data. It is taken here as a primary source.

¹⁴² Lloyd, P. C., ‘The Itsekiri,’ in Daryll Forde (Ed), *Ethnographic Survey of Africa: West Africa, Part XIII* (London: International African Institute, 1957), P. 172; Captain A. F. Mockler-Ferryman, *Up The Niger Narrative of Major Claude Macdonald’s Mission to the Niger and Benue Rivers, West Africa* (London: George Phillips and Son, 1892), p. 247.

culturally quite different from the other groups discussed in this dissertation. Despite this a leading ethnographer has described them as, borrowing many traits from their neighbours.¹⁴³

Itsekiri origin legends speak of multiple places of origin and several eponymous ancestors, as most of the settlements which make up the kingdom have their own origin accounts. From what is known about Itsekiri precolonial history from indigenous histories and early European ethnographic accounts, there are various myths, but a generally accepted charter emerged in the form of the *Iginuwa* legend, regarded as the founder and first *Olu* (King). He is said to have migrated from the Kingdom of Benin, where he was the son of the *Oba*, escorted by a retinue of chiefs, and settled at *Ode Itsekiri*, the head town of the Itsekiri in the Western Delta. Here, Iginuwa is said to have developed the kingship institution which lasted until the interregnum of 1848.¹⁴⁴ An historian of Benin, J. Egharevba, using the oral traditions of the people, has suggested that the movement of Iginuwa and his party from Benin took place at about the last two decades of the fifteenth century.¹⁴⁵ Subsequent expansion from *Ode Itsekiri* birthed several other settlements scattered in the maze of the creeks, around the estuaries of the Benin and Escravos Rivers. These includes: Gbolokposo, Batere, Obodo, Orere, Elume, Orugbo, Jakpa, Omadino, Irigbo, Inorin, Ureju, Ugborodo, Kantu, Jaghala, Koko, Obitugbo, and Ebrohimi (Nana's enclave).

Recent pre-colonial Itsekiriland, though not a static society, was a patrilineal one in which adult males of communities traced their descent from the patrilineal founder of the settlement. Upon his death, a male member of a community could only be succeeded by his

¹⁴³ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century; An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, p. 209.

¹⁴⁴ William Moore, *History of Itsekiri* (London: Stockwell Ltd, 1936); P. C. Lloyd, 'The Itsekiri,' P. 178.

¹⁴⁵ J. Egharevba, *A Short History of Benin* (Ibadan: University Press, 1968), Pp. 12-13; William Moore, *History of Itsekiri* (London: Stockwell Ltd, 1936).

eldest son, who traditionally inherits a double share of what belonged to his father, and also took possession of all authority and objects which symbolized his father's headship of the family and any other vested office. This crystallized in Nana's succession to the 'Governorship of the Benin River' upon the death of his father Olomu in 1883.¹⁴⁶

When the British first encountered the Itsekiri, they had a centralized monarchical state system with the Olu (King) at the head, and this system remains today, interrupted only in the period of interregnum from 1848 to 1936, a period which coincided with British colonialism. Understanding this and subsequent developments in Itsekiri encounters with Great Britain, illuminates the internal political events of the period, especially as it affected trade, treaty-making and British follow up actions. The Itsekiri political culture appears to be similar to the neighbouring Benin kingship institution.¹⁴⁷ This certainly gives more credence to the Iginuwa origin legend from Benin. In the administration of the kingdom, the Olu was supported by varied titled chiefs in charge of different aspects of the life of the people and society. Prominent amongst these chiefs were the *Ologbotsere* (Prime Minister and chief adviser of the Olu), and the *Iyatsere* (the war chief or defense minister of the state). In Itsekiriland, chieftaincy titles were distributed and conferred by the Olu on individuals on discretionary basis, and such chiefs so appointed, wore large necklaces of coral beads as a sign of office and used the appellation of his title.¹⁴⁸ The chiefs met as a council and outcomes of their meetings were passed on to the Olu often as advice on general governance. Administration at village and outlying settlements were associated with two important

¹⁴⁶ Erezene, H. B, 'European Influence in Ijo-Itsekiri Relations in Nigeria,' *African Research Review*, Vol. 10 (1), No. 40, 2016, Pp. 104-115.

¹⁴⁷ N.A.I., CSO 26, file 27657, 'Intelligence Report on the Jekri Sub Clan in the Warri Province,' 1936; Okpevra, U. B, 'Ijo-Itsekiri Relations, 1500-1800,' in Akinwumi Ogundiran (Ed), *Precolonial Nigeria Essays in Honor of Toyin Falola* (Trenton, NJ: Africa world Press, INC, 2005).

¹⁴⁸ P. C. Lloyd, 'The Itsekiri,' Pp. 193-194.

officials: the chief priest and the oldest male in the village or settlement. The oldest male was often the village head, and usually the head of the descent-group of the villages or settlements. He presided over meetings and settled all matters brought before him, but lacked ritual powers, so that if there was need within the village or settlement to consult a diviner, to administer an oath or to take a decision based on super natural considerations, he deferred to the chief priest, who in-turn consulted the deities and oracles of the village for decisions.¹⁴⁹ However, in the absence of an Olu during the period of interregnum, it was chiefs, wealthy traders and heads of families that signed the two treaties the British concluded with the Itsekiri in 1884 and 1894.

On the whole, the general picture of Itsekiri socio-political system up to the age of empire was one in which, the Olu and his council of chiefs acted as a court of appeal for cases from the villages and other settlements, indicative that despite centralised kingship, Itsekiri settlements seemed to have enjoyed some degree of local independence.¹⁵⁰ The implication of the relative independence of the villages was that, even though the Itsekiri political system was a monarchy, it was not an absolute institution. The foregoing outline of the socio-political history of the Itsekiri and that of the other groups in subsequent chapters is, not so much to reconstruct the exact historical beginnings of the peoples and their institutions, but to shed light on them in relation to the dynamics and vicissitudes that occurred in these societies as they encountered the British Empire. In turn, this helps illuminate the negotiation between the British and Itsekiri, revealing the agency of both in shaping the process of colonisation, one which was not primarily governed by violence.

¹⁴⁹ P. C. Lloyd, 'The Itsekiri,' P. 194.

¹⁵⁰ P. C. Lloyd, 'The Itsekiri,' P. 195.

For the Itsekiri, certain trends occurred prior to contact with Great Britain which impacted relations. This came in the form of changes in their political and economic fortunes, developments which attracted British attention, interests and actions. As the map indicating the contiguity of the groups' shows, the Itsekiri are geographically proximate with the Atlantic coast, occupying the north-western extreme of the Western Lower Niger, an area crisscrossed by the Niger's distributaries, the Escravos and Forcados.¹⁵¹ The Itsekiri are bordered on the north-west and north by the Yoruba sub-tribe of Ilaje and the Apoi Ijo, as well as by the Edo (Benin Kingdom) respectively. They share a common boundary with the Western Ijo to their south, while their Urhobo neighbours flank them in the east. Early European presence in the Niger Basin in the form of Portuguese contacts with the Itsekiri in early fifteenth century laid the foundations for trade and future developments in the Western lower Niger. By late fifteenth century, the Itsekiri and the other case study groups became involved in the emergent overseas trade in slaves, and the subsequent palm oil trade.¹⁵² A common feature of intergroup relations between the indigenous groups was rivalry over trade, especially as some groups were better located to reap from trade with the emergent Europeans on the coast than others.¹⁵³ This was the case with the Itsekiri who as a coastal group, found themselves, together with the Ijo as middlemen in European-hinterland contacts from the slave trade era through to the nineteenth century when palm oil became the central commodity of trade.¹⁵⁴ This history of early Itsekiri trade links with Europeans from the

¹⁵¹ Peter Ekeh, *History of the Urhobo People of the Niger Delta* (New York: Urhobo Historical Society, 2007); Obaro Ikime, 'Nana Olomu: Governor of the Benin River,' *Tarikh*, Vol. 1 No. 2, 1966.

¹⁵² Dike, K. O., *Trade and Politics in the Niger Delta 1830-1885: An Introduction to the Economic and Political History of Nigeria*, (Oxford: Clarendon Press, 1956).

¹⁵³ Njoku, O, *Economic History of Nigeria, 19th and 20th Centuries* (Enugu: Magnet Business Enterprises, 2001), p. 11.

¹⁵⁴ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century; An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, p. 207.

slave trade era must be understood as an important primer for subsequent relations with the British. Trade was associated with significant local financial gains, albeit also bringing some political consequences in the form of instability to the region generally in the wake of imperial expansion. For the Itsekiri, the fact that they had a relatively clear political system also proved significant in their relations with the British, as it impacted the ways Britain considered 'sovereignty' in the areas. In each case, the relations and encounters each of the various groups had with officials of Great Britain in the age of empire were, largely dictated by both this history and the immediate interplay of trade and politics. This relationship took roots from the slave trade era and intensified from 1849 when Britain inaugurated consular diplomacy to oversee its interests in the Bight of Benin.¹⁵⁵

4.2 Political Situation in 1800s and Rise of British Influence

While European powers had traded with the region from the slave era, in the nineteenth century, as the palm oil trade intensified, the British became increasingly conversant with the internal political system of the Itsekiri which seemed largely to be understood as 'sovereign,' within the framework of positivist legal assumptions earlier discussed in chapter two. Thus, by mid nineteenth century, deep political instability in Itsekiriland allowed an increasingly imperialistic Britain to make in-roads into Itsekiri society, and change the relationship considerably, albeit largely peacefully. Increased British influence began when the Itsekiri suffered the fate of losing their King, Olu Akengbuwa, in June 1848. It was an unfortunate development for the Itsekiri at this time.¹⁵⁶ Matters were made worse when a few days after

¹⁵⁵ John Beecroft was appointed the first British Consul for the Bight of Benin in 1849 by Henry Palmerston, the then Foreign Minister of Great Britain. See, TNA, F. O. 2/4, Consuls Fraser, Beecroft. Consular Domestic, 1850; K. O. Dike, 'John Beecroft, 1790-1854 Her Britannic Majesty's Consul to the Bights of Benin and Biafra, 1849-1854,' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 1, 1956.

¹⁵⁶ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century: An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, P. 215.

the passing of the Olu, his two sons, Omateye and Ejo, who were most likely to succeed him also died mysteriously. This threw up internal divisions within the royal family as to who should succeed to the throne, as there was no longer a clear successor with the support and financial means considered necessary.¹⁵⁷ It was this situation that John Beecroft, the first British consul for the Bights of Benin, exploited diplomatically to interfere in the internal political affairs of the people. It is instructive to know a bit more about John Beecroft, how he came to serve the imperial cause as its first official bridgehead in the Niger Basin, and his motivations, to better understand his role in Great Britain's expansion into Itsekiriland and subsequently into the other groups.

John Beecroft joined the Crown service at Fernando Po in 1829 as superintendent of works at a time the Gulf of Guinea Island was under Spanish control, but a place where Great Britain had established a base for the suppression of the slave trade. Bringing his earlier career experience in the merchant service to bear, Beecroft contributed to the building of docks and shore installations requisite for combating the slave trade. However, his usefulness to the British Crown crystalised when in the 1830s, from Fernando Po, he successfully ascended the Niger getting as far as Raba, about 400 miles from the coast (a rare feat before the introduction of quinine). This was at a time; the British were desirous to know more about the hinterlands. Through this exploration, Beecroft was able to gain good understanding of the Delta terrain and also seems to have developed very positive relations with indigenous peoples. In fact, in the 1840s, he helped to resolve a dispute between Duke Ephraim, a leading chief of Old Calabar and the leadership of the European settlement at Fernando Po. The chief had threatened to starve the Island, which depended on Old Calabar,

¹⁵⁷ Obaro Ikime, 'Colonial Conquest and Resistance in Southern Nigeria,' *Journal of the Historical Society of Nigeria*, Vol. 6, No. 3, 1972, P. 266.

for its food supplies and Beecroft negotiated a peaceful resolution between both parties.¹⁵⁸ This feat fetched him recognition back in Britain, as the most knowledgeable and influential European on the Niger Basin.¹⁵⁹ Consequently in 1849, Lord Palmerston, the then British Secretary of State for Foreign Affairs appointed him as the British Consul of the Bights of Benin and Biafra, to oversee British commercial interests, a position he occupied until his death in 1854.¹⁶⁰

Beecroft approached his new task with awareness that British occupation of West Africa was threatened by rival imperial powers, particularly the French. Thus, here was a believer in colonialism ready to extend British influence beyond the coasts. British influence in the Niger Basin was at best superficial; his mission was to change this. Thus, from 1850, while visiting all the areas under his jurisdiction, from Lagos in the west to Bimbia in the Cameroons, Beecroft would read aloud his commission to show the indigenous leaders that he was the de facto accredited official of Great Britain by whose authority he interfered in their internal matters.¹⁶¹ Clearly Beecroft's original mandate in the Niger Basin to end the slave trade, imbued him with a sense of responsibility, perhaps within the context of Euro-centric perceptions of the 'others,' to enthusiastically carry out his new mandate of imperial expansion. As indicated subsequently, his involvement in indigenous affairs, disrupted the local power dynamics, as he applied his conviction of himself as the man on the spot on

¹⁵⁸ K. O. Dike, 'John Beecroft.' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 1, 1956.

¹⁵⁹ Howard Temperley, Rev by Elizabeth Baigent, 'Beecroft John.' *Oxford Dictionary of National Biography* (Oxford: University Press, 2004).

¹⁶⁰ K. O. Dike, *Trade and Politics in the Niger Delta* (Oxford: Clarendon Press, 1956).

¹⁶¹ K. O. Dike, *Trade and Politics in the Niger Delta* (Oxford: Clarendon Press, 1956); 'John Beecroft.' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 1, 1956; George Dashwood Taubman Goldie, *French Ambitions in Africa* (Manchester: The University of Manchester Library Foreign and Commonwealth Office Collection, 1894).

behalf of the imperial power to relate with the Itsekiri, thereby gradually extending informal British control over the people.

Beecroft immersed himself in the indigenous system and before long, was engaged in subtle and peaceful means of exerting British influence on the people, to the extent that he was able to influence Itsekiri chiefs to select one of them to be ‘Chief of the Benin River’. In this instance, Diare (Idiare in some accounts) emerged as the first British nominated Itsekiri Governor of the Benin River, and he together with other chiefs and elders, concluded a trade protection treaty with Beecroft in 1851.¹⁶² It should be noted that before the demise of Olu Akengbuwa, the chief of the Benin River was, usually appointed by successive Itsekiri kings to oversee trade activities on the River. While the specific details of Beecroft’s discussions with the chiefs have not survived, the result is a clear example of a negotiation between a British bridgehead and the local indigenous leadership which resulted eventually in Britain’s preferred candidate becoming the Governor of the Benin River. In this case, force was not used to achieve the objective. With the appointed governor of the river taken as sovereign, it was easy for the trade protection treaty to be concluded with the Itsekiri.

Significantly, in the absence of a king and with internal disharmony, here was a British Consular official, exploiting local conditions to shape informal colonialism, thus giving credence to the view held by some scholars that local conditions in the peripheries also aided imperial expansion.¹⁶³ It was a case of using a well-established trade relationship, or a newly developing relationship to diplomatically influence local decision-makers to accept his suggestions of who becomes their nominal leader. Clearly, what transpired

¹⁶² TNA, F.O. 84/858, Beecroft to Palmerston, 20 March and 19 April 1851.

¹⁶³ John Gallagher and Ronald Robinson, ‘The Imperialism of Free Trade,’ *The Economic History Review*, Vol. 6, No. 1, 1953.

between Consul Beecroft and the Itsekiri, exemplifies perspectives held by some scholars that, African agency – indigenous peoples as active participants in their colonisation should also be considered in the discourse.

In 1853, Beecroft made attempts without success to select a new king for the Itsekiri. This may have been an accident rather than because of any lack of influence, however, the Itsekiri elders and princes he desired to meet with at the Benin River over the matter arrived after his departure.¹⁶⁴ Undoubtedly though, Britain was not yet a dominant power in the Western Delta, but its man on the spot was striving to lay the foundations of British economic and political imperialism through diplomatic means by identifying and working with indigenous leadership.

In its state of internal political instability, of the absence of a king, Itsekiri society became vulnerable to extraneous influences, as succession to the kingship could not be quickly resolved. However, centuries of contact with Europeans during the slave era had made the people to become comfortable with European presence and influence without associating such with overt conquest. Thus, they were not particularly hostile to the presence and influence of the likes of Beecroft. Internal divisions within the royal lineages as to who should succeed to the throne in the wake of the deaths of the royal princes engendered a situation whereby the traditional power structure headed by the Olu ceased to exist and function. In this vacuum emerged the ‘Governorship of the Benin River concept,’ a system in which Itsekiri personalities with wealth acquired from the emergent palm oil trade between the Africans and the European merchants, this time still at the coasts in their vessels, became the nominal political figures of Itsekiri society, exercising influence and power over mostly

¹⁶⁴ TNA, F.O. 84/920, Beecroft to Palmerston, 4 Feb. 1853.

trade, but not wielding enough authority to function as de facto traditional central leadership in the form of a king. Between 1851 and 1883, the Governorship of the Benin River was held in succession by Diare, Ebrimoni, Chanomi and Olomu, all of whom were appointed with British support.¹⁶⁵ These were all peaceful transitions but not between fathers and sons, except in the case of Nana and Olomu. This was the state of affairs politically in Itsekiriland when Nana succeeded his father Olomu to the Governorship of Benin River in 1883. By this time, the power of the nominal leadership of the Itsekiri had slowly been eroded, largely thanks to the influence of Beecroft locally. Recall that in the times of the Olu (kings of Itsekiri) the chief of the River was appointed by the king. However, during the years when there was no clear Olu, Beecroft exploited the vacuum to influence the appointment of a nominal governor who particularly allied with himself. Because the governors appointed relied on Beecroft for their appointment, these Itsekiri were expected by the European traders and the consuls to maintain peace in all trading stations, including overseeing law and order for trade to thrive and not disrupted.

Long before Beecroft arrived in the region, trade was probably the main livelihood in the region. During the nineteenth century, the product being traded shifted from slavery to palm oil. Note that, Beecroft and others were in the region because of Britain's efforts to stop the slave trade and nurture the palm oil trade. Previously, in the era of the Atlantic slave trade, the Itsekiri had emerged as the dominant group in the western Delta with early trade and political links with the Portuguese, who travelled up the Forcados River for missionary

¹⁶⁵ TNA, F. O. 84/858, Beecroft to Palmerston, 20 March and 19 April 1851; TNA, F. O. 84/1061, Campbell to Clarendon, 1 March 1858; TNA, F. O. 84/1541, Easton to Salisbury, 29 November 1879.

and economic activities at the Itsekiri head town of Ode-Itsekiri.¹⁶⁶ At the height of the slave trade, the Itsekiri enjoyed the middleman position between the European traders on the coast and the hinterland dealers. It was a position they held on to up to the advent of the palm oil trade in the 1830s.

Rather than suffering financially as the slave trade ended, the new palm oil trade brought great economic benefits and prosperity through the competitive advantage the Itsekiri occupied as the most influential middlemen. They bought palm-oil and other agricultural goods particularly from the hinterland Urhobo and Ukwuani and delivered them directly to the Europeans at the coast.¹⁶⁷ From the 1840s, two Liverpool firms, Horsfall and Harrison had already established factories in the Itsekiri settlements of Bobi and Jakpa, with their ships anchored off the mouth of the Benin River receiving palm oil supplies from the Itsekiri who functioned as the middlemen with the oil producers of the interior. At this stage, contact was not much different than during the slave trade era, with Europeans limited to the coasts, without, direct contact with producers in the interior.¹⁶⁸ Between 1851 and 1870 more British factories and small firms, such as Stewart and Douglas emerged, operating within the vicinity of the Benin River, engaged in palm oil export.¹⁶⁹ At this time, the palm oil trade was at the center of Great Britain's relations with west Africa, hence there was considerable competition between European firms for monopoly of trade with the hinterland as many of the oil markets were located deep in the hinterlands of the River Benin estuary, requiring a

¹⁶⁶ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century: An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, P. 225-226.

¹⁶⁷ Erezene, H. B, 'European Influence in Ijo-Itsekiri Relations in Nigeria,' *African Research Review*, Vol. 10 (1), No. 40, 2016, Pp. 106; Obaro Ikime, *The Fall of Nigeria: The British Conquest* (London: Heinemann, 1977).

¹⁶⁸ TNA, F. O. 84/816, Beecroft to Palmerston, 27 June and 13 August 1850; P. C. Lloyd, 'The Itsekiri,' P. 177.

¹⁶⁹ TNA, F. O. 84/858, Beecroft to Palmerston, 24 February 1851; TNA, F.O. 84/1002, Campbell to Clarendon, 24 March, and 26 June 1856. The combined investment capitals of these firms were estimated by Campbell to be about 250,000, including their warehouses and stores and credit extended to Itsekiri middlemen traders.

great amount of organization and cost to bring the oil in canoes to the factories.¹⁷⁰ It was this opportunity that the Itsekiri exploited as middlemen to their advantage.

As trade vigorously expanded, politics and commerce would combine to throw up three powerful rival merchant families in Itsekiriland with the finance and means to influence and dictate the affairs and fortunes of the Itsekiri kingdom and its relations with the British in the absence of a reigning Olu. Obaro Ikime has identified these families as: the royal family based at Ode-Itsekiri – the ancestral home; a branch of the royal family at Batere; and the Ologbotsere family at Jakpa.¹⁷¹ Together, between 1851 when Diare was appointed the first Governor up to the emergence of Nana Olomu in 1884, these three regal and trade families produced the Governors of the Benin River consecutively in the following order: Idiare (1851-1870), Tsanomi (Chanomi) (1870-1879), Olomu, Nana's father (1879-1883), and lastly Nana (1884-1894).¹⁷²

In the ensuing commercial enterprise with the European firms, the nature of trade was such that Itsekiri merchants collected goods such as cloth, guns, gun powder, glass wares, mirrors, rugs, spirits, beads, plates and sundry other products from the Europeans on trust, for redistribution to credit-worthy persons around the Benin River settlements who in-turn mobilized big canoes into the hinterland markets, where the trust goods were further redistributed to local palm oil producers, which were subsequently collected for trade with

¹⁷⁰ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century: An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, P. 217.

¹⁷¹ Obaro Ikime, 'Colonial Conquest and Resistance in Southern Nigeria,' *Journal of the Historical Society of Nigeria*, Vol. 6, No. 3, 1972, P. 267.

¹⁷² Obaro Ikime, 'Nana Olomu: Governor of the Benin River,' *Tarikh*, Vol. 1 No. 2, 1966, P. 42. Lloyd has identified these families as the Princes of Akengbuwa, descendants of Emaye, and the descendants of Uwankun. See Lloyd, 'The Itsekiri in the Nineteenth Century', P. 217.

Europeans.¹⁷³ An interesting character of the trade was that, if a local producer failed to supply the required commodities, it often led to raids from Itsekiri merchants, resulting in cases whereby individuals were sometimes handed over as pawns to the Itsekiri creditors. On the other hand, any failure on the part of the Itsekiri merchants to deliver the expected goods to the Europeans on the coast who had advanced them credit on trust, led to seizure of Itsekiri merchants' consignments meant for other Europeans.¹⁷⁴ This scenario often put the Itsekiri merchants in tight corners, as the practice of restitution for inability to deliver, which was popularly called "chopping" at that time, greatly offended the Itsekiri middlemen, resulting occasionally in misunderstandings with European traders.¹⁷⁵ In this circumstance, the aspiring indigenous merchant had to be not only a determined trader, but a strong willed one with a resolute capacity to survive within this arrangement.¹⁷⁶

The foregoing was the general picture of commerce in the Western Delta as the Itsekiri, despite the challenges of the trust system, profited and prospered from the legitimate trade favoured by their location as middlemen between the Europeans and the hinterland. Tied to this understanding was the changing fortune of the merchant chiefs. From 1849 when British consuls took up position in the Benin River and began reporting on political and trade affairs of the area, the consuls began to interfere as has been noted, in the internal politics of the Itsekiri and at a point decided to appoint one of the chiefs always as 'Governor of the

¹⁷³ Njoku, O, *Economic History of Nigeria, 19th and 20th Centuries* (Enugu: Magnet Business Enterprises, 2001), P. 116.

¹⁷⁴ Ezeze, H. B, 'European Influence in Ijo-Itsekiri Relations in Nigeria,' *African Research Review*, Vol. 10 (1), No. 40, 2016, Pp. 106.

¹⁷⁵ Obaro Ikime, *Groundwork of Nigerian History* (Ibadan: Heinemann, 1980).

¹⁷⁶ Obaro Ikime, 'Nana Olomu: Governor of the Benin River,' *Tarikh*, Vol. 1 No. 2, 1966, P. 40.

Benin River.’¹⁷⁷ This development coincided with the first trend of political instability in Itsekiriland which shaped Itsekiri-British relations. From the mid nineteenth century onwards, the emergent discernible pattern of relations between the Itsekiri and the British was one of increased British political interests and influence in Itsekiriland.

Now, as has been noted, Beecroft attempted to first install a new king for the people, but having failed on that, succeeded in influencing them in the selection of Governor of the Benin River. Again, as has been discussed, the various Governors in their tenures up to and even Nana’s time could not subject British traders and consular officials under their directives, rather, the British expected the Governors to enforce their (British) will on their Itsekiri subjects. Clearly, such developments were pointers to increasing British influence on the Itsekiri, further manifestation of which was the sackings of Idiare by Consul Campbell in 1858, for alleged resumption of the slave trade and the replacement of Tsanomi with Olomu, father of Nana as Governor in 1879.¹⁷⁸ By the time of Nana’s accession to the Governorship of the Benin River, following Consul Hewett’s advice to Itsekiri elders to choose a successor to Olomu in 1884,¹⁷⁹ the general dynamics of British – Itsekiri relations took a turn.

Local political weakness, growing trade dependence on Britain, and thanks to the personal influence Beecroft cultivated, British influence was pervasive in Itsekiriland in the form of peaceful diplomatic consular penetration into the affairs of the indigenous society. Most importantly, the position of power in the Consul as man on the spot-on behalf of Great Britain passed on to the successors of Beecroft. The palm oil era also witnessed the

¹⁷⁷ As has been noted, John Beecroft it was who after his attempts to install a new king in 1853 failed, persuaded the Itsekiri to consider the option of appointing a non-royal head to oversee their affairs upon the death of Olu Akengbuwa and the start of the interregnum which lasted until 1936.

¹⁷⁸ TNA, F.O. 84/1061, Campbell to Clarendon, 1 March 1858.

¹⁷⁹ TNA, F.O. 84/1660, Hewett to Granville, 28 July and 25 August 1884.

uneventful tenures of six separate Consuls of the Bight of Biafra, appointed after the death of John Beecroft. Up to 1879 when Edward Hyde Hewett became Consul of the Bight, relations between the indigenous peoples and the British were mainly peaceful with British firms largely engaged in trading with locals and a new elite developing out of this emergent economic relationship. It is difficult to know why the British and the Itsekiri could not conclude a treaty of protection earlier. Perhaps, the delay was due to the latitude the British enjoyed in the Niger Basin, until rivalry from other imperial powers threatened its position. In due course, the Consul, on the back of instructions from London, concluded treaties with indigenous leaders, treaties which served to legitimate not only the process of colonisation but transferred political and sovereign rights to the imperial power over the indigenous peoples.

Thus, the period from 1884 to 1894 witnessed not only increased British interest and influence in Itsekiriland, but also led to the conclusion of the treaties of protection between the British and the Itsekiri. These were the treaties which to all intents and purposes, subsumed Itsekiriland under British control. Again, in this move from informal control to gradual formal empire, the man on the spot in the person of Consul Edward Hewett played a significant role in the process. In his early career, Hewett had served in the Royal Bucks King's Own Militia and in the East Kent Militia from 1850 to 1860. Subsequently, he was appointed Clerk to Her Majesty's Slave Trade Commissioners at Loanda, a West Coast of Africa anti-slave trade garrison under Portuguese control, and in 1879 as Consul of the Bight, and subsequently as Consul General of the Niger Districts from 1885 to 1891.¹⁸⁰ When it became apparent to the official minds in London that, rivalry from other imperial powers

¹⁸⁰ J. Scott-Keltie (Ed), *The Statesman's Yearbook* (Revised) (London: Springer, 2016).

made formal control inevitable in the Niger Basin, Hewett received instructions from the FO to, make arrangements for extending British protection over the Niger territories by concluding treaties with the indigenous leaders.¹⁸¹ The point to note here is that, London directed its official on the ground to expedite action in concluding treaties with the chiefs of the Delta as a means to ward off not only rivals but to gain British control of the territories.

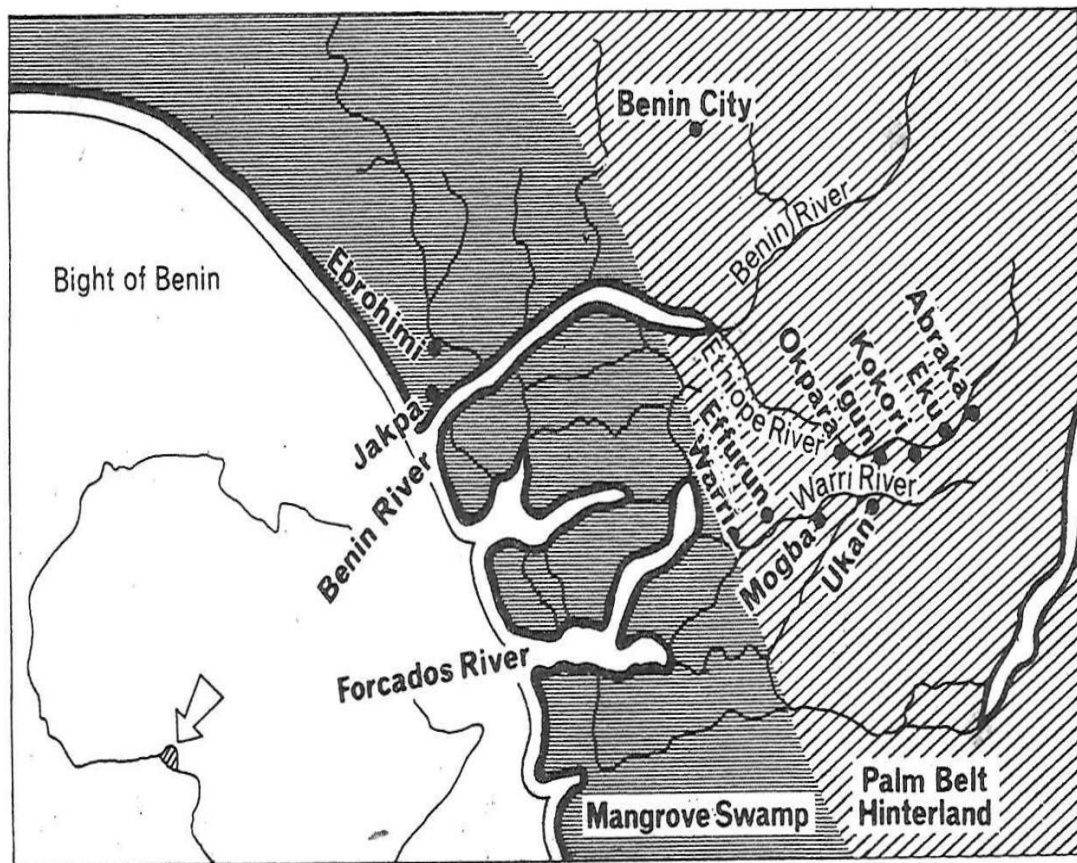


Figure 5. Map indicating Nana's base of Ebrohimi at mouth of Benin River¹⁸²

¹⁸¹ W. M. N. Geary, *Nigeria Under British Rule* (London: Frank Cass & Co. LTD, 1965).

¹⁸² Obaro Ikime, 'Nana Olomu: Governor of Benin River,' *Tarikh*, Vol. 1. No. 2, 1968, P. 46.

4.3 Nana and Great Britain

For a better understanding of the treaty-making episodes between the British and the Itsekiri and the subsequent falling out with chief Nana which, engendered the expedition against Nana in 1894, a full grasp of Nana's stewardship as Governor and his relationship with the British in general deserves some attention for, he was the principal Itsekiri character in the events that unfolded within the period under review.

Nana, originally called Eriomala, was one of several sons of Olomu, but was said to have found favour before his father even though he was much younger, so that, during his father, Olomu's time as Governor of the River, Nana was recognized as his father's deputy. It is worth noting that the British certainly believed that Nana's appointment as deputy to his father was due to his smattering of English, which helped in communication and relations with the British, although, it is impossible to verify this.¹⁸³ Upon succeeding his father as Governor in 1884, Nana set up at Ebrohimi, a settlement higher up a creek from the Benin River that Olomu had established earlier. He quickly, with other Itsekiri leaders, concluded a treaty of protection with the British in July 1884. In appointing Nana as Governor, the British perceived him to be the indigenous power through which Her Majesty's Consular authority was to be established, exercised and enforced.¹⁸⁴ Indeed, Vice-Consul Blair who presented Nana with his staff of office as Governor regarded Nana as head of the Jekri people, though, the actual development on ground portrayed Nana only as a nominal head.¹⁸⁵ However, while it is clear that British agents did not understand all of the internal politics within the Itsekiri, the imperial power still played a major role in the internal affairs of the people to the extent

¹⁸³ Neville, G. W, 'Nana Olomu of Benin,' *Journal of the Royal African Society*, Vol. XIV, 1915.

¹⁸⁴ In the 1860s, the British tried to establish a Court of Equity to regulate trade and palaver in the Western Delta, but this was short-lived. See, TNA, F. O. 84/1265, Elmes to Clarendon, 8 July 1866; TNA, F. O. 84/1308, Livingstone to Clarendon, 23 November 1869.

¹⁸⁵ TNA, F.O. 84/2109, Report of the Administration of the Niger Territories by Major C. Macdonald (1890).

of appointing Governors of the Benin River. Surely, at this time, British influence was entrenched, even though formal control had not been instituted and no warfare had occurred.

Nana used his position of Governor to win a near- monopoly of trade for himself, controlling in the process, the trade from the Urhobo hinterlands through the Ethiope and Jamieson rivers. Nana's trading depots were deep in the Urhobo settlements of Okpara, Kokori, Eku, Igun, Abraka, Effurun, Ukan and Mogba. Ikime has noted that, it was from these trade centres that Nana employed a mix of friendship and marriage diplomacy – taking wives from the Urhobo clans he traded with, and coupled with a formidable administration, coordinated by slaves, and reinforced by the acquisition of European armaments, that Nana emerged as the foremost middleman merchant, with influence, considerable wealth, and strength in the palm oil trade with European merchants.¹⁸⁶

It must be emphasised that Nana was never king of the Itsekiri. Neither was Nana politically influential to the point of controlling the neighbouring Urhobo, Ijo, Isoko and Ukwuani. To some extent, imperial officers were conscious of this in appointing him to the governorship of the river, a way to have sovereign to trade with and to eventually conclude treaties with a sovereign head of state, despite the absence of a substantive Olu (King) in Itsekiriland. Thus, as Governor of the Benin River, he represented the overall interest of the Itsekiri in relation to the ever increasing presence and influence of the British Empire, accentuated by the trading activities of Goldie's National African Company (later Royal Niger Company in 1886), and other firms in the Niger Basin. Locals partly accepted Nana's increasing dominance because the geographical advantage of being in-between the British

¹⁸⁶ Obaro Ikime, *The Merchant Prince of the Niger Delta* (London: Heinemann, 1968); 'Nana Olomu: Governor of the Benin River,' *Tarikh*, Vol. 1 No. 2, 1966, P. 40-41.

traders and the hinterland offered opportunities for trade benefits, which in turn gave him considerable political leverage locally and with the British.

However, these arrangements changed after the Berlin Conference as the British made efforts to have direct trade and diplomatic contacts with hinterland groups, especially the Urhobo, and subsequently concluded separate treaties with them, thereby bypassing Nana and the Itsekiri, weakening the position of both in the process. This move by the British to have direct contact with interior groups prompted Nana to take certain actions which the British considered inimical to free trade between 1885 and 1894. The first action by Nana in early 1885, was to stop all trade with the hinterland Urhobo, insisting that he alone should open and close the hinterland markets, at a time the Royal Niger Company was seriously infiltrating the hinterlands, and thus setting itself up as direct competition. Then, some of his men attacked nearby Urhobo villages still doing business with the British resulting in the closure of the Ethiope River, the gateway to the Urhobo hinterland.¹⁸⁷ In this circumstance, the British who were by this time committed to free trade which was writ large over the Berlin Conference became more anxious to trade directly with the oil producers in the interior, so measures were taken to check Nana. First, Consul Hewett stopped Nana's office as Governor of the Benin River in 1891. As the authority which appointed him in the first instance, this was not surprising. However, Nana was still able to command respect from local traders, as he continued to control and dictate trade in his own terms and succeeded in forcing trade to almost a halt in the Benin and Ethiope rivers.

¹⁸⁷ The British were ostensibly acting in consonance with article 35 of the Berlin General Act which amongst others provided for free trade in the region, even though Nana on his part was clearly exercising his own political right; Lloyd P. C, 'The Itsekiri, Pp. 228-229.

Violence was not immediately used by the British against Nana. Even when he first stopped trade in 1885, the British tried to peacefully remove him by withdrawing his office as governor of the River in 1891. Nevertheless, following further actions of trade disruptions by Nana, Ralph Moor, who was acting as Consul in place of Claude Macdonald instituted punitive action against Nana in 1894, blockading Ebrohimi, Nana's enclave, and attacking on 25 September 1894.¹⁸⁸ In the event, little actual fighting occurred, as Nana fled to Lagos, only to surrender later and be exiled to Accra in the Gold Coast.¹⁸⁹ In giving justifications for the military action against Nana, Acting Consul Moor accused Nana of terrorism, of stopping trade in the Ethiope River, and declared Nana as a threat to the protectorate's peace and prosperity.¹⁹⁰ Indeed, in a dispatch to the British Consulate – General in Calabar, dated 6 August 1894, Moor outlined the course of events between Nana and the British, the context and rationale for the military action against Nana and the need for a second treaty in 1894. The following is an abridged extract of Moor's dispatch:

I have the honor to report that, owing to reports of the unsettled state of the district, I proceeded to Benin on the 18th June last. Finding on my arrival on the 21st that matters were most unsatisfactory trade being almost entirely stopped owing principally to the acts of the people of Chief Nanna in seizing Sobo (Urhobo) people and generally terrorising the locality of the Ethiope River. I write to the Chief first requesting and then directing his attendance to answer to the charges made against his people. The Chief failed to attend sending letters of excuse. I therefore wrote ordering him to withdraw from the Ethiope River his people who were causing the disturbance and stoppage of trade and to hand over the Sobo people seized to the Government, giving him fourteen days to carry this out....I further considered it necessary to issue a Proclamation...prohibiting the appearance of war canoes in the district as it was impossible that the unsettled state and general uneasiness could terminate while they were parading about.¹⁹¹

¹⁸⁸ TNA, F.O. 2/63, Despatches and descriptions of the war on Nana by Moor to undersecretary of state, 6 Aug, and 8 Aug 1894. See, Obaro Ikime, 'Nana Olomu: Governor of the Benin River,' *Tarikh*, Vol. 1 No. 2, 1966, P. 46.

¹⁸⁹ TNA, F.O. 2/51, 'Report on the Benin District' by Capt. Gallwey, 12 Jan. 1893.

¹⁹⁰ Igbineweka O. Andrew, 'The British Occupation of Southern Nigeria, 1851-1906' Unpublished Master's Thesis, North Texas State University, 1979, P. 35.

¹⁹¹ TNA, F. O. 2/63, Moor to Undersecretary of State, 6 and 8 August 1894.

Clearly, the Consul's primary concern was the disruption of trade in the area, as he ordered Nana to withdraw his war canoes from the Ethiopie and Benin Rivers. However, Nana's actions engendered attention and required response from an imperial power which by 1894, (ten years after concluding a treaty with the Itsekiri which gave it sovereign and political rights), was bent on imposing effective formal control and to maintain law and order. In furtherance of why action was taken against Nana, Moor's dispatch continues thus:

On 21st July when in Bonny I received a cablegram stating that Nanna was threatening to attack two friendly chiefs, Dore and Dudu. A reinforcement of one officer and seventeen men was at once sent from Brass to assist in preventing any disturbance and I issued instructions for a notice to be given for the holding of a meeting of chiefs on 2nd August...On 30th July I arrived in Benin and found that meeting had been arranged as directed for 2nd instant. At Warri I had received a letter from Chief Nanna stating that he was afraid to attend meeting lest he should be seized and deported from district – further letters and messages to the same effect were received from him by me in Benin to all of which replies were sent guaranteeing him a safe conduct to and from the meeting. The Chief wished to be represented by some one of the others but this I declined to allow and he failed to attend. All the other chiefs of the Benin and Warri district were in attendance and appeared anxious to do all in their power to carry out the orders of the Government and for the peace of the district. A form of Treaty was entered into by all of them, copy of which is enclosed, and which it will be seen from Article X is regarded as ratification of all former treaties. After the meeting I sent messages to Chief Nanna with a copy of this treaty and a letter informing him that he was at liberty, if he so wished to enter with a similar form of Treaty but must attend at the Vice Consulate to do so and that on his carrying out the orders previously given him and so doing the restrictions regarding himself and his people would be withdrawn...learning that in opposition to the orders of the Government that all the waterways of the district were to be free a strong barrier had been erected at the mouth of the creek leading to Brohemie Town (*Nana's Ebrohimi*) where Nanna resides I ordered it to be at once removed informing him that neglect of this order might entail serious consequences...¹⁹²

The British action must also be seen as a way of interpreting Article IV of the 1884 Treaty which stipulated the resolution of all disputes between the Itsekiri and Europeans and other groups by the British Consular or other appointed officers for arbitration and decision.

¹⁹² TNA, F.O. 2/104, Despatches: Niger Coast, Commissioners and Consuls General, Vice Consuls, West Coast Africa, 1896. See also, National Archives Ibadan (here after as NAI), CSO 3/1/1, Macdonald's despatch to Foreign Office on proceedings on the trial and conviction of Chief Nana, 13 December 1894, p. 119.

Clearly, it was this power as contained in the treaty of 1884 that emboldened the Consul to attempt to remove Nana from his post earlier. It indicates that on paper, the British were already having jurisdiction over the Itsekiri even though in practice the locals did not necessarily recognize this as the case.

At this point, it may be tempting to conclude that with the punitive action against Nana, the British employed force to bring Itsekiriland under their imperial yoke. This may be simply accepted if one does not have a grip of earlier developments before this episode of gun-boat diplomacy. However, the history of interactions in the nineteenth century shows a much more gradual process of political power grabbing by the British, with treaties used as has been said, at least ten years before Nana was toppled. Outside the early contact treaties of commerce for trade protection,¹⁹³ the British concluded only two Treaties of Protection (cession) with the Itsekiri, that of 1884, and 1894, which conferred sovereign and political powers on the British and confirmed and validated the absorption of Itsekiriland into the British Empire. These protection treaties were relied upon by officials of Great Britain at different times, such as at the Berlin Conference, to demonstrate mainly to other European powers of British imperial control over Itsekiriland.

4.4 Treaty-Making and Establishment of Control

The Itsekiri were the first amongst the groups examined in this study to conclude a treaty of protection with the British on 16 July 1884. This was done months before the treaty-making activities of Goldie's National African Company which rushed to conclude treaties with

¹⁹³ In 1863, and 1869, the earlier Itsekiri Governors appointed by the British for the Benin River concluded trade protection treaties with the British. See, TNA, 84/1201, Freeman to Russell, 10 April 1863; TNA, F. O. 84/1290, Livingstone to Stanley, 25 February 1868.

various other groups before the Berlin Conference.¹⁹⁴ As noted earlier, upon his appointment as governor of the river in 1884, Nana and other leaders of the Itsekiri concluded a treaty with Consul Hewett, effectively placing Itsekiriland and the areas of the Benin River under British protection.¹⁹⁵ While it is difficult to know if the Itsekiri understood all of the terms and conditions of the treaty, Nana and Chanomi clearly understood the significant, because they went around Itsekiri country on a tour to sensitize the people about the treaty.¹⁹⁶ This move by Nana and Chanomi may not be unconnected with the fact that in the days of the interregnum, the absence of a ruling Olu (king), necessitated the need to secure the support of the people. Indeed, when the tour got to Warri, the royal Princes were said to have at first objected to supporting the treaty given that it was to be signed by Nana, but only accepted when it was confirmed that Chanomi and other senior chiefs from other Houses were to sign as well. This is an important point. Local leaders signed partly to demonstrate their own importance and prestige, rather than because of specific content of treaties. In practice though, this meant that those who put their marks on the treaty reflected a representation of the leading Itsekiri regal, trade and influence groups drawn from the Ologbotsere and Emaye Houses, and this spread of acceptance was a powerful tool for the British.¹⁹⁷ Indeed, the Consul's insistence on getting so many signatories indicates some awareness on the part of the British of the delicate political balance necessary in the region if they wanted to achieve

¹⁹⁴ By 1886, the NAC became chartered as the Royal Niger Company based on its long trading history on the Niger and the numerous treaties it had concluded since 1884. With the Charter, it was able to set up administration in these territories on behalf of the British Crown. See, *The London Gazette*, 18 October 1887.

¹⁹⁵ TNA, F.O. 84/1660, Hewett to Granville, 28 July and 25 Aug. 1884.

¹⁹⁶ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century: An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, P. 228.

¹⁹⁷ Obaro Ikime, 'Colonial Conquest and Resistance in Southern Nigeria,' *Journal of the Historical Society of Nigeria*, Vol. 6, No. 3, 1972, P. 267.

control, and demonstrates at least some willingness amongst the local traditional elite to use British influence to maintain their own positions locally.

The British employed ten different varieties of pro forma treaty forms, a topic which will be further explored in the ensuing chapters. Another point to note about the treaties is that they all bore the name and mark of Edward Hyde Hewett, who was Her Majesty's Consul for the Bight of Benin as at that time, while the treaties transacted by the National African Company always had the mark of not only Hewett, but also a certain D. McIntosh, who signed on behalf of the National African Company. The British treaty with the Chiefs of Jakri, River Benin was christened as one for maintaining peace and friendship. Made up of a total of nine articles, its opening paragraph states as follows:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., and Chiefs of Jakri being desirous of maintaining and strengthening the relations of peace and friendship which have for long existed between them; Her Britannic Majesty has named and appointed E.H. Hewett, Esq., Her Consul for the Bights of Benin and Biafra, to conclude a Treaty for this purpose. The said E. H. Hewett, Esq., and the said Chiefs of Jakri have agreed upon and concluded the following Articles: -¹⁹⁸

Ordinarily, as the title of the treaty suggests, it ought to be a treaty of peace and friendship, but the clauses in the articles revealed the true intent of the British. Of particular interest are Articles I, II, and V. For instance, while Article I emphasized subsuming the territory of the Itsekiri under the authority, jurisdiction, as well as protection of the British, Article II, forbade the Itsekiri from concluding agreements or treating with other foreign powers without the consent and approval of Her Britannic Majesty's Government. Article V reinforces Articles I and II, stating that the Chiefs of Itsekiri were to assist British Consular or other officers in the execution of such duties that may be assigned to them in matters

¹⁹⁸ NAI, CSO 5/1/10, Treaty between H.M. The Queen and the Chiefs of Jakri (River Benin), 16 July 1884, P. 1.

relating to amongst others; the administration of justice, the development of the resources of the country, the interests of commerce, and the general progress of civilization. Clearly, to all intents and purposes, these Articles and others in the treaty portends only one fact, that of loss of Itsekiri sovereignty to the imperial power through peaceful diplomatic means.

Some notable issues to be pointed out here are that the Itsekiri raised objections to a few of the articles in the treaty. The free trade and permission and protection for all Ministers of the Christian religion in Itsekiri territory clause (articles VI and VII) did not go down well with the Itsekiri, and it was left out for future negotiations.¹⁹⁹ It is unclear why the Itsekiri objected to these clauses, but the Itsekiri may have objected to the free trade clause for fear of further undermining their position as middlemen in the hinterland-coast trade.²⁰⁰ This most likely explains why Nana acted the way he did in stopping trade in 1885, in the process incurring the wrath of the Consul. Thus, in the enforcement article IX, it was expressly stated that this treaty shall come into operation so far as may be practicable from the date of its signature except as regards articles VI and VII which are to be left for negotiation on a future occasion. This treaty was signed aboard Her Majesty's Ship (HMS) Flirt, which was anchored in the Benin River, and the Itsekiri Chiefs who put their marks to it were: Nana, Chanomie (Chanomi), Dude, Numa, Ogree, Fragonie, Nafomie, Etchie, Mudwa, Brigby, Awalla, and Peggy.²⁰¹

Having gained political and sovereign rights of the Itsekiri, officials of Great Britain proceeded to establish administrative and judicial institutions over Itsekiriland. In containing

¹⁹⁹ TNA, F. O. 84/1660, Hewett to Granville, 28 July and 25 August 1884.

²⁰⁰ Peter Ekeh, 'Editor's Introduction,' *Urhobo Historical Society*, available from <http://www.waado.org>; Obaro Ikime, 'Nana Olomu: Governor of the Benin River,' *Tarikh*, Vol. 1 No. 2, 1966, P.43.

²⁰¹ NAI, CSO 5/1/10, Treaty between H.M. The Queen and the Chiefs of Jakri (River Benin), 16 July, 1884, P. 5; TNA, F.O. 93/6/10, Treaties. Native Chiefs. (From Benin River to Amba Bay), 1884, July – Sept.

Nana after his various stoppage of trade, the political relations in the Western Delta reflected the growing power of the Consul over indigenous leadership and society ostensibly achieved through the peaceful diplomatic process of treaty-making.²⁰² Nana had to adhere to the dictates of the Consul, coming to terms with the realities of the new power configuration. From 1884, the British did not hide the direction of their intent and objectives, as their Consuls decided more and more overtly the trade regulations and customs duties in the palm oil trade. However, the British did not set up elaborate machinery of administration in Itsekiriland after the treaty of 1884, probably due to cost and the difficulties in getting European personnel.²⁰³ Consuls continued to represent and oversee British interests until the Niger Coast Protectorate Government established consular posts and administrative offices at Warri in 1893.²⁰⁴

Within the framework of legal positivism and the application of treaties before the Scramble discussed in chapters two and three, clearly, the British regarded the conclusion of treaties as not only the beginning of colonisation, but also one that gives justification and legitimation to the territorial acquisition process. Thus, this treaty with the Itsekiri and others between the Niger Company and other groups were used by the FO in London to announce Great Britain's control of territories. On 5 June 1885, a formal notification was published in the *London Gazette*, proclaiming that, by virtue of treaties concluded with indigenous leadership, Her Majesty's Government had gained control of the territories and affairs of the

²⁰² Obaro Ikime, 'Nana Olomu: Governor of the Benin River,' *Tarikh*, Vol. 1 No. 2, 1966, P. 43.

²⁰³ Obaro Ikime, 'Nana Olomu' P. 43.

²⁰⁴ P. C. Lloyd, 'The Itsekiri,' in Daryll Forde (Ed), *Ethnographic Survey of Africa: West Africa, Part XIII* (London: International African Institute, 1957), P. 182.

indigenous peoples and states.²⁰⁵ Clearly the hand of the home government through the FO in the treaty-making enterprise was ubiquitous. It would become a consistent feature of the colonisation project subsequently, as more territories were added to the British orbit, in the form of further proclamations of the Oil Rivers Protectorate (1891), the Niger Coast Protectorate (1893), the Protectorate of Southern Nigeria (1900) and eventually, the Colony and Protectorate of Nigeria (1914), all of which followed a similar notification pattern.

From Moor's dispatch to the Consulate-General at Old Calabar as indicated in the preceding section, it was clear that the British preoccupied themselves with two basic tasks: to deal with Nana so as to free the interior trade from all forms of disruption, and to consolidate their hold on Itsekiriland legally and politically. Both the treaty and other actions were aimed at imperial rivals, the French in particular and for consolidating British presence and control in Itsekiriland, given that the very process of getting the signatures of the indigenous leadership for the treaties seems an important step in the colonisation process. This move, clearly bestowed on the British, sovereign rights to exercise political control and establish administration.

The conclusion of another treaty of protection with the Itsekiri on 2 August 1894, was ostensibly to ratify the earlier one of 1884, but this time without the signature or mark of Nana, who could not attend the meeting out of fear of being arrested and deported, as clearly captured in Moor's despatch. This treaty was not in any way fundamentally different from that of 1884. A large number of local leaders signed the treaty this time, however, despite Nana's omission. Twenty-five Itsekiri chiefs put their marks to it compared to twelve in

²⁰⁵ *The London Gazette*, 5 June 1885. The proclamation of the Niger Districts in 1885, effectively put Itsekiriland and other areas that had concluded treaties with National African Company under British effective control.

1884, including some who did so in the earlier treaty. Within the context of colonisation through treaties of this study, the process of gathering the leadership of Itsekiriland for their signatures should be considered as more significant than is usually appreciated in the standard historiography. There is no evidence to suggest that the chiefs were coerced into action, and historians are not sure whether their support for a second treaty was as a result of dislike for Nana, support for the British, fear of the British, or to achieve personal elevation, but they did sign it.

The articles of contention (VI and VII) in the 1884 treaty were retained, while a further article X was inserted which served as the ratification clause. Its wordings are interesting in so far as it concerns the central place of peaceful colonisation in this study and how it signifies increased British political control over the Itsekiri. It reads as follows:

This treaty is regarded merely as a ratification of existing treaties between the parties thereto, and it is understood that if reasonable and consistent effort be shown by the signatory Chiefs to adhere and carry out the terms of it, there will be immunity from punishment for any and all offences which may have been committed against the laws and orders of the Government prior to the signing of it, but all disputes and troubles existing between natives must be determined by native custom.²⁰⁶

This clause was clearly designed and inserted by the British to extract compliance and good conduct to the terms of the treaty from the Itsekiri Chiefs with a promise for patronage. It prompts one to suggest that perhaps, this was done in the light of Nana's intransigence, and possibly as a ploy to get the total support of the Chiefs in a divide and rule atmosphere. As will be shown in chapter six, the Treaties of Protection, especially, the numbered treaties

²⁰⁶ NAI, CSO 5/2/9, Treaty with Chiefs of Benin River and Jekeri Country, 2 August 1894. Note the Title of this treaty emphasizing, after Benin River, the Jekeri Country, suggestive of the fact that the people and territory on both banks of the Escravos River make up the Itsekiri areas. This was a feature that was absent in the treaty of 1884.

concluded by the National African Company (later Royal Niger Company, RNC), essentially, were made up of nine Articles. Thus, the 1894 second treaty with the Itsekiri could be considered as a novelty ostensibly designed for this particular purpose of ratifying the earlier treaty with the Itsekiri and to contain what was considered as possible intransigence of indigenous leadership through paper diplomacy and not by force of arms or threat of its use. It also shows that the British were quite willing to take a very broad interpretation of who to consider as having sovereign power to sign treaties.

For the Itsekiri, the 1884 treaty of protection effectively subsumed them under British control. The military action against Nana, ten years after the first treaty was ostensibly carried out to stop Nana from disrupting trade with the hinterlands along the Ethiope River, and to demonstrate publicly that all remaining local men of power accepted British dominance. In subsequent years, the British appointed Dore, one of the signatories to the second Treaty of 1894, first as Political Agent and later as a Paramount Chief over Itsekiriland, a post he held up to his death in 1936.²⁰⁷ Again, this indicates how clearly the British identified and related with local leadership in a peaceful manner to achieve colonisation.

Earlier on 10 July 1886, a Royal Charter was granted to the National African Company, which henceforth became known as the Royal Niger Company. The Charter was essentially granted on the basis of the company's long trading history with the people of the Niger Basin and the numerous treaties it had already concluded starting from 1884 with the indigenous Chiefs placing their territories under British Protection. With this Charter, the

²⁰⁷ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century: An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, P. 230.

RNC was invested to administer aspects of the Niger Basin where it had concluded treaties with the indigenes. Indeed, in a further notification in the *London Gazette* of 18 October 1887, concerning the Niger Districts, the FO placed under the jurisdiction of the Company, all territories in the basin of the Niger and its affluent, which are or may be for the time being subject to the Government of the National African Company Limited (now called the Royal Niger Company), in accordance with the provisions of the Charter of the RNC.²⁰⁸ By this time, the administrative structures of the British over its acquired territories were beginning to gradually take shape, and would continue up to 1914.

4.5 Chapter Summary

In this chapter, the primary task was to draw out how Great Britain through her imperial agents acting as bridgeheads (the men on the spot, driving the colonial agenda), brought Itsekiriland under colonisation. It was also a case of active indigenous engagement with the colonisation process, ensuring that the process remained peaceful for decades. Despite the state of flux of their centralised political system, the scant number of treaties – two in all, was a testament to the centralization of the Itsekiri elite who put their marks on the treaties. This centralization will be in stark contrast to the subsequent case study chapters.

The emergent result was that treaty-making as a peaceful means characterised Great Britain's eventual pacification and colonisation of the Itsekiri. First, the chapter provided an understanding of the social and political structure of the Itsekiri in precolonial times pointing out the dynamics of the society and how this impacted on the economic and political relations between the people and the British Empire. Secondly, the historical background of British presence in Itsekiriland was also examined in terms of contact. The Itsekiri as coastal

²⁰⁸ *The London Gazette*, 27 March 1891, P. 1176.

people had early relations with the British and enjoyed the advantage of a middleman position between the Europeans at the coast and the interior from the slave trade era up to the era of the palm oil trade and imperialism. This vantage position empowered Itsekiri Chiefs economically and politically to the extent that when their most prominent Governor of the Benin River, Nana Olomu became recalcitrant and obstructed the flow of palm oil from the Urhobo hinterlands, the British, who appointed him in the first place, took military action and deposed him in 1894. The British action against Nana was only after long years of British influence in Itsekiriland, beginning from 1849 when John Beecroft was British Consul for the Bights of Benin. From this time, British officials after Beecroft developed further interests in Itsekiri affairs to the extent of appointing prominent Itsekiri personalities as Governor of the Benin River as a political instrument in the wake of the regal interregnum following the death of Olu Akengbuwa in 1848. The British exploited this situation to consolidate their presence and hold in Itsekiriland culminating in treaty-making, and these treaties were the instruments used by the imperial power to gain sovereign and political rights over the people. Local rulers, including Nana and others, benefitted economically and politically by cooperation in this process, thanks to the growing prominence of the palm oil trade.

Thus, the chapter realized that the central tool in bringing about the Itsekiri under British control were the two treaties of Protection in 1884 and 1894, concluded between the agents of the imperial power and the chiefs of Itsekiriland. However, as has been noted, the general story of British expansion in what became Nigeria is characterized by historians of Nigeria as one of outright conquest and subjugation of the various peoples by the military forces of imperial Britain. As noteworthy as the conquest narrative is in relation to other aspects of Nigeria, the evidence specifically for the areas of this study suggest that in this

instance, the process was less of use of force and more of a peaceful process save for the attack on Nana in 1894 over trade disruptions. It was one in which, the British relied on and referred to the various treaties concluded with the chiefs of the areas to proclaim their Protectorates of the Niger Districts, the Oil Rivers, and the Niger Coast in 1885, 1891 and 1893 respectively.

It is doubtful if the chiefs who signed these treaties on behalf of their people knew exactly the import of their contents. Nevertheless, following the streamlining of the rules of engagement on how best to approach the Scramble for Africa at the Berlin Conference in 1884/85, the British expedited their treaty-making processes in the Niger Basin, so that, the various treaties concluded with the chiefs became the tools for introducing and consolidating British power and authority in the various areas. It is safe to say that in light of the evidence here, the British adopted the use of treaty diplomacy more than force in the colonisation of Itsekiriland.

Chapter Five: The Western Ijo and the Royal Niger Company

How can we doubt that the French will take them? If there is one thing clearer than another, it seems to be that the French have a settled policy in Africa, both on the East and West coast and that that policy is antagonistic to us... M. de Brazza is on the Congo ... from Porto Novo the trade of Lagos is attacked; the French official agent is at work above the delta of the Niger, while the Captain of the '*Voltigeur*' is trying to induce the natives of the mouth of that river to accept his Treaties. If he succeeds in this, the final step will have been taken, and the British trade will have no chance of existence except at the mercy of French officials. Action seems to be forced on us ... Only one course seems possible; that is, to take on ourselves the Protectorates of the native States at the mouth of the Oil Rivers, and on the adjoining coast.²⁰⁹

Introduction

Percy Anderson, then head of the newly created African Department in the FO, raised the memo above, to Whitehall in June 1883, advocating for increased British presence in the Delta as a response to increasing French activities on the Niger. This indicates a case of French actions on the Niger touching off on Great Britain's sensibilities and interests, and represents a clear testament to how imperial rivalry also dictated the tone and direction of expansion. This chapter highlights how the Ijo of the Western Delta were colonised by Great Britain. The different case studies reveal different experiences of colonisation. In this instance, trade, championed by the National African Company (later RNC), and concerns about rival powers combined to accelerate Great Britain's colonisation of the Western Ijo. However, a significant part of the chapter dwells on the specific circumstances of Patani in its encounters with the Company, which demonstrated both elements of violence and treaty-making.

²⁰⁹ TNA, F. O. 4824/19, Anderson Memo to foreign office, 11 June 1883. See, C. W. Newbury, and A. S. Kanya-Forstner, 'French Policy and the Origins of the Scramble for West Africa,' *Journal of African History*, Vol. 10, No. 2, 1969; C. W. Newbury, 'The Development of French Policy on the Lower and Upper Niger, 1880-98,' *The Journal of Modern History*, Vol. 31, No. 1, 1959.

Europeans characterised the Western Ijo as savages, cannibals, pirates and a most ‘difficult’ group to deal with. Paradoxically, they were also regarded as a brave people, who lived much on the water with expertise in paddling and fishing.²¹⁰ With such characterization, current historiography would suggest that violence would have been used to suppress such a ‘difficult’ group, who also lacked clear political leadership. Surprisingly, this was not the case. This chapter shows how a largely peaceful process of treaty-making and diplomacy, rather than guns, were the instruments of choice employed by Great Britain to colonise the Western Ijo, even though the imperial agent, the RNC, later established a constabulary to maintain law and order in its territories. However, the process of treaty-making was spread over decades, meaning that formal colonisation was slow, centred during the 1880s and 1890s, which may help explain why little violence occurred.

As Percy Anderson’s memo clearly suggests, British hold in the Niger areas from the 1880s was at best informal not until actions of European rivals, particularly the French, precipitated a change of heart at Whitehall. Alarmed that France might upstage them on the Niger by concluding treaties with indigenous peoples, treaties which would serve as title deeds for legitimization of territory, the British deployed diplomacy to stop the French from building trade and colonial relations in the region, as violence would have been counter-productive.²¹¹ As such, treaty-making was the first diplomatic tool of choice by Great Britain. Indeed, to counter the French, Consul Hewett was despatched on 16 May 1884, to the Niger

²¹⁰ For general perceptions on European traveller accounts of Africa and its people, see, Leila Koivunen, *Visualizing Africa in Nineteenth-Century British Travel Accounts* (London: Routledge, 2009); Mary H. Kingsley, *Travels in West Africa* (New York: Dover Publications, INC, 2003); *West African Studies* (London: Macmillan and Co. LTD, 1899); H. L. Gallwey, ‘Journeys in the Benin Country, West Africa,’ *The Geographical Journal*, Vol. 1, No. 2, 1893, P.127; Mockler-Ferryman, *Up The Niger, Narrative of Major Claude Macdonald’s Mission to the Niger and Benue Rivers, West Africa* (London: George Phillips and Son, 1892), p. 245.

²¹¹ By the 1880s, French trading vessels were stationed in the Niger Delta, and several trading posts had developed on the upper Niger. See, J. E. Flint, *Sir George Goldie and the Making of Nigeria* (London: Oxford University Press, 1960).

territories armed with blank treaty forms, which the FO had given to him to conclude as many treaties as possible with the indigenous chiefs. Hewett's treaty-making efforts within the Delta culminated in the first treaty concluded with the Itsekiri in 1884, discussed in chapter four.²¹² From this time, treaty-making defined the character of Great Britain's colonisation of the study groups. As this chapter demonstrates, in the treaty-making episodes between the Western Ijo and officials and agents of Great Britain, it was not Consul Hewett that predominated, but the National African Company (later RNC). In this encounter, here was a company and its agents acting on behalf of an imperial power, reminiscent of similar actions of chartered companies such as the HBC and the NZC of Canada and New Zealand respectively (see chapter 3).

In the slave trade era, the Ijo in the Niger Delta served as middlemen between hinterland groups and the Europeans at the coast. E. J. Alagoa has shown that this trend was most prominent with Ijo groups of the Eastern Delta, such as the Bonny and Opobo, even though the Delta as a whole was a sort of clearing house for the external trade with the Europeans.²¹³ Nevertheless, the Western Ijo groups of this study were not left out in intercourse with the Europeans within the period under review. Being geographically located like their Itsekiri neighbours on the Atlantic coast and the estuaries of the Escravos and Forcados Rivers, they also functioned as middlemen traders between the English merchants on the coast and the hinterland Urhobo, Isoko and Ukwuani settlements.²¹⁴ This middleman

²¹² See, TNA, F.O. 881/5064, Africa: Treaties. Tribes on or near Niger and Benue Rivers, 1884; Thomas Pakenham, *The Scramble for Africa* (London: Weidenfeld and Nicolson, 1991).

²¹³ E. J. Alagoa, 'The Ijaw and the Niger Delta in Nigerian History,' paper delivered as a Keynote Address at the "Boro Day" celebrations of the Ijaw National Alliance of the Americas (INAA) at the Hilton, Woodbridge, New Jersey, USA on May 24, 2003; Martin Lynn, 'Change and Continuity in the British Palm Oil Trade with West Africa, 1830-1855,' *Journal of African History*, Vol. 22, 1981.

²¹⁴ H. B. Erezene, *Living Together in the Niger Delta: A Historical Study of Ijo-Itsekiri Relations in the Nineteenth and Twentieth Centuries*, PhD Dissertation, University of Port Harcourt, Nigeria, 2008.

position played a pivotal role in shaping and defining the eventual outcome of the economic and political relations which characterized Western Ijo encounters with the British in the age of empire. Therefore, in line with the general thesis of this study, how treaty-making was central to Great Britain's mainly peaceful colonisation of the Western Ijo informs the discourse.

As the other case studies demonstrates, the dynamics of encounters between the peoples and the imperial power were not simply about colonizers and victims, rather, it involved trade and commerce in general, which reflected a far more complex power relations on the ground, indicative that Africans were less passive in the processes leading up to eventual colonisation. Thus, this chapter provides accounts of the varying dynamics and the roles of the different actors in the process and seeks to explain how and why treaties were used by the British in the colonisation process. To do this, the chapter first identifies the Ijo groups of the area, outlining their locations and settlements within the geographical precinct. It then, provides a cursory early history of the group as a whole, with a view to understanding their migratory history and links with their kith and kin in other parts of the Niger Delta. Next, is an exposition of the social and political organization of the Western Ijo. This context explains the institutional structures which shaped and steered relations with her neighbours and with Europeans, during both the slave and palm oil trade eras. Ijo encounters with the Europeans forms the next section for purposes of ascertaining the patterns of contact with the Europeans as they gradually made in-roads into the various Ijo settlements. The chapter also demonstrates how the Ijos benefited from the slave trade and how they adjusted their relations with the advancing Europeans in the wake of imperialism. Lastly the treaty-making

episodes with the agents of Great Britain are examined and discussed within the context of ascertaining how the Western Ijo were eventually colonised.

5.1 *Western Ijo location, Origins and Socio-Political System*

Geographically, the Ijo are widely distributed across the Delta of the Niger River, practically inhabiting the whole coast of the Niger Delta, some 250 miles in length, and about seventy miles inland from the coast, stretching between the Ibibio in the east and the Yoruba in the west.²¹⁵ An early British officer on the Delta, Major Arthur Glyn identified the Ijo territories within the Lower Niger as located, 'in the triangle formed by the Nun and the Forcados...both eastward and westward,' and that, in this triangle dwell the Ijo, 'the most important tribe in the Lower Delta.'²¹⁶ Ijo settlements have been classified and delineated along linguistic variations and hydrological lines into Eastern, Central and Western Delta.²¹⁷ Like the Urhobo, the Ijo groups of the Western Delta share border with all the other groups in this study. To their extreme west are, located the Itsekiri, who also share the Atlantic coastline with them. To the north of the Ijo are, the Urhobo, while the Isoko and the Ukwuani borders them on the east and north east respectively. Other Ijo groups which are outside the scope of this study, flank the Western Ijo beyond the right bank of the Forcados River. In their Niger Delta abode, the Ijo comprise about fifty clans (*Ibe*),²¹⁸ loosely affiliated along

²¹⁵ P. A., Talbot, *Tribes of the Niger delta, Their Religion and Customs* (London: Sheldon Press, 1932), P. 5.; Mockler-Ferryman, *Up The Niger Narrative of Major Claude Macdonald's Mission to the Niger and Benue Rivers, West Africa* (London: George Phillips and Son, 1892), p. 250.

²¹⁶ Arthur Glyn Leonard, *The Lower Niger and its Tribes* (London: Macmillan and Co., 1906), P. 18.

²¹⁷ In his ground-breaking study of the early history of the Ijo using collected oral traditions of the people, E. J. Alagoa classified the Ijo into Eastern, Central and Western using hydrological and linguistic criteria. See E. J. Alagoa, *A History of the Niger Delta: An Historical Interpretation of Ijo Oral Traditions* (Ibadan: University Press, 1972); R. K. Granville, and F. N. Roth, 'Notes on the Jekris, Sobos and Ijos of the Warri District of the Niger Coast Protectorate,' *The Journal of the Anthropological Institute of Great Britain and Ireland*, Vol. 28, Nos. 1 & 2, 1899, P. 117.

²¹⁸ A clan or Ibe is a dialect group within an ethnic and language group that shares a common heritage of kinship and culture.

kinship and shared cultural and religious lines. The Ijo groups examined in this study are, those located within the vicinities of the estuaries of the Escravos River and the right and left banks of the Forcados River from the coast up to Otrofani. They constitute the clans referred to as Western Ijo in Alagoa's classification, in his study of the early history of the Ijo as a whole. Therefore, in this study, the attention is on the following clans of the Western Delta, which were under the jurisdiction of the Royal Niger Company in the age of empire. They include; the Gbaramatu, Obotebe, Seimbiri, Tuomo, Ogulagha, Iduwini, Operemo, Mein, Tarakiri, Kumbowei, and Kabowei.²¹⁹ These are all made up of numerous settlements, located around the estuaries of the Forcados and Escravos, and along the right and left banks of the Forcados.

²¹⁹ Professor Alagoa's numerous studies have examined the early history of the Ijo clans of the Niger Delta as a whole. See E. J. Alagoa, T. N. Tamuno and J. P. Clark (Eds), *The Izon of the Niger Delta* (Port Harcourt: Onyoma Research Publications, 2009); See P. A Talbot, *Tribes of the Niger delta, Their Religion and Customs* (London: Sheldon Press, 1932).

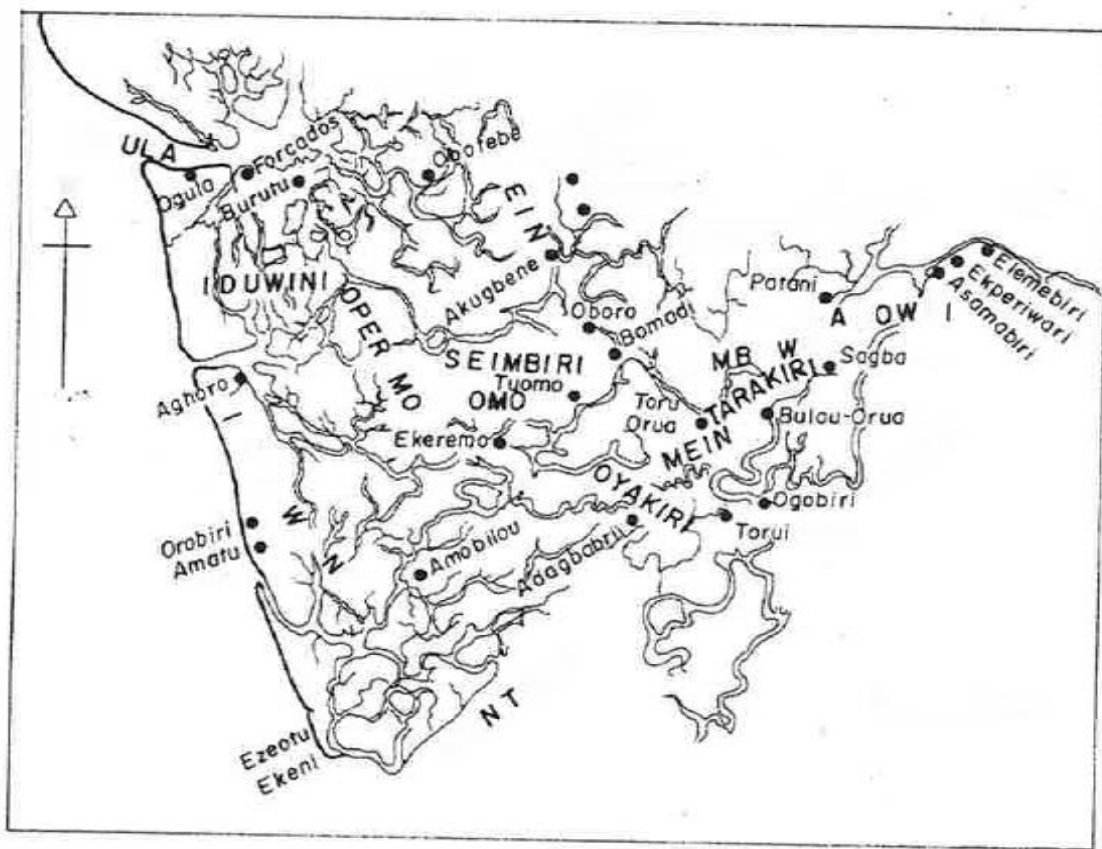


Figure 6. Map showing the Ijo Clans of the Western Niger Delta²²⁰

This riverine location dictated the Ijo way of life as basically fishermen, who used locally made nets from stringy grass and raffia palm, traps and spears for fish and shrimps around the mouths of the rivers and rivulets that abound in their domains. The fish and shrimps were mostly dried in the sun and exchanged with the produce of interior groups, mainly the Urhobo and Isoko whose land was more favourable for root crops like yam and cassava. The people also practiced salt making, producing salt from sea water and from the roots of the mangrove trees. Salt making was lucrative in precolonial times as it was a measure of exchange in trade relations between and amongst the various peoples of the

²²⁰See, E. J. Alagoa, T. N. Tamuno, J. P. Clark (Eds), *The Izon of the Niger Delta*, p. 423.

Delta.²²¹ As well as basket weaving, the Ijo are also adept at canoe carving. The canoes, which remain essential for communication and transportation in the riverine terrain were patronized by the neighbouring Itsekiri and the hinterland Urhobo, Isoko, and Ukwuani groups, and by the Yoruba to the west. This fostered intergroup relations between and amongst the various peoples before the advent of the Europeans in the fifteenth century.²²² However, despite much contact with their neighbours, P. A. Talbot has suggested that the cultural traditions and language of the Ijo are distinct from their neighbours.²²³ The Ijo language, which is of the Niger-Congo group of languages, has been affirmed in recent studies by linguists and historians as distinct and about 7,000 years separated from that of its neighbours.²²⁴

In European records, the Ijo were variously addressed as Jos, Ijo, Ijaw, Ejo, Ojo, Idzo, Oru and Ujo. Pereira, the early Portuguese voyager to the Western Delta informed that the Jos (apparently referring to the Ijo) occupied the eastern and southern banks of the Forcados River. He also identified the occupants of the lower estuaries of the same river as the 'Huela,' suggestive of the Ogulagha (Ogulah), one of the subgroups or clans of the Ijo of the Western Delta.²²⁵ The people call themselves Izon and Ezon, but in the wider literature, all the variant terms have been used interchangeably to refer to the people and their language.

²²¹ Captain John Adams, *Sketches Taken During Ten Voyages to Africa, between the Years 1786 and 1800; Including Observations on the Country Between Cape Palmas and the River Congo; and Cursory Remarks on the Physical and Moral Character of the Inhabitants* (London: Hurst, Robinson, and Co, 1823), P. 32.

²²² R. K. Udo, *Geographical Regions of Nigeria* (London: Heinemann, 1981).

²²³ P. A., Talbot, *Tribes of the Niger delta, Their Religion and Customs* (London: Sheldon Press, 1932).

²²⁴ Kay Williamson, 'Linguistic Evidence for the Prehistory of the Niger Delta,' in E. J. Alagoa, F. N. Anozie, and N. Nzewunwa (Eds), *The Early History of the Niger Delta* (Hamburg: Helmut Buske Verlag, 1988); 'Languages of the Niger Delta,' *Nigeria Magazine*, Vol. 97, 1968, Pp. 126-127.

²²⁵ Duarte Pacheco Pereira, *Esmeralda De Situ Orbis* (1533), Translated and Edited by George H.T. Kimble (London: Hakluyt Society, 1937), Pp. 128-130; Mockler-Ferryman, *Up The Niger Narrative of Major Claude*

A general theme on the origins of the Ijo as a whole in the Niger Delta is that they are of considerable antiquity in their abodes.²²⁶ The origin myths of the Western Ijo clans of this study refer to Ogobiri, Ke, Ikibiri, Oporoma, and Obiama in the Central Delta as places of dispersion.²²⁷ Generally, the traditions of the groups reveals episodes and layers of migrations, splits and rebound migrations as the people wandered about the creeks in search for habitable land. In these migrations, individual founder heroes of groups led their people through the maze of the Delta to eventually settle in hospitable abodes.²²⁸ Apart from this origin links with the central Delta, the Ijo of the Western Delta also shared common cultural and socio-political practices with their kith and kin of the Niger Delta.

The Ijo did not develop elaborate socio-political organizations, encompassing all groups under a single polity. Though the city state system prevailed in the Eastern Delta amongst the Kalabari, Nembe and Opobo, the Western Ijo socio-political system revolved

Macdonald's Mission to the Niger and Benue Rivers, West Africa (London: George Phillips and Son, 1892), p. 32.

²²⁶ NAI, CSO 26, No. 20653, July 16, 1928. In this report, P. P. Lynch reported on the aboriginal status of the Ijo to the Secretary of Southern Provinces; E. J. Alagoa's studies of the Ijo based on collected Oral Traditions of the various Clans across the Niger Delta have dealt in details on the early history of the people. See A. M. Okorobia, "History" in E. J. Alagoa, T. N. Tamuno and J. P. Clark (Eds), *The Izon of the Niger Delta* (Port Harcourt: Onyoma Research Publications, 2009).

²²⁷ E. J. Alagoa, 'Oral Traditions among the Ijo of the Niger Delta,' *Journal of African History*, Vol. 7, No. 3, 1966, P. 406.

²²⁸ During the colonial period, the British made Intelligence Assessment Reports on almost all ethnic and sub-groups in Nigeria. This covered their early histories including origins legends. These reports are at the Nigerian National Archives Ibadan (NAI), classified under CSO 26: Records of the Chief Secretary's Office. See, NAI, CSO 26, No. 29184, Fellows, L. E. H., Intelligence Report on the Tarakiri Clan of the Western Ijo Sub-Tribe, Warri Province, 1932; NAI, CSO 26, No. 27524, Hook, R. J., Intelligence Report on the Operemor Clan of the Western Ijaw Sub-Tribe, Forcados District, Warri Province, 1930; NAI, CSO 26, No. 7/2, Hook, R. J., Assessment Report on the Tuomor Clan of the Western Ijaw Sub-Tribe, Forcados District, Warri Province, 1930; NAI, CSO 26, No. 29183, Hook, R. J., Assessment Report on the Ogula Clan of the Western Ijo Sub-Tribe, Forcados District, Warri Province, 1930; NAI, CSO 26, No. 7308, Johnson, S. E., Intelligence Report on the Gbaramatu Clan of the Western Ijo Sub-Tribe, Warri Province, 1930; NAI, CSO 26, No. 29181, Legge, C. C., Intelligence Report on the Seimbiri Sub-Clan of the Ogbo Clan of the Western Ijo Sub-Tribe, Forcados District, Warri Province, 1931; NAI, CSO 26, War Prof. 7/2, Main, P. V., Assessment Report on the Mein Clan of the Western Ijo Sub-Tribe, 1930; NAI, CSO 26, No. 26805, Rutherford, J. W. C., Assessment Report on the Kabowe – Kumbowe Sub-Clans of the Okita Clan of the Western Ijo Sub-Tribe, 1929. See also, E. J. Alagoa, and Ebiegberi A. Femowei, 'The Western Delta,' in E. J. Alagoa, T. N. Tamuno and J. P. Clark (Eds), *The Izon of the Niger Delta* (Port Harcourt: Onyoma Research Publications, 2009).

around the principle of gerontocracy and primogeniture. Clan dictated blood and family ties determined relations to a large extent, while life generally was communal and sedentary.²²⁹ This non-centralization of pre-colonial Western Ijo political system has been characterized as a society of fragmented village groups, constituted by people who appeal to common descent through the male line, with lineage groups playing prominent parts.²³⁰ Settlements (towns and villages) are constituted by families of common eponymous ancestors, designated into quarters. In turn, quarters are formed by several families each living within defined spaces known as compounds. Within such compounds are located a man, his wives and children as the case may be. The compound represents the smallest political unit with the male head of the family occupying a place of paramountcy.

Essentially, within the pre-colonial Western Ijo Clan set up, the oldest man (*Ama-Okosowei*) in the settlement was the political head of the community, and chairman or head of the village or town council (*Amagula*). This was the main political unit of administration in the Western Ijo areas. However, the day to day executive responsibilities of the Amagula were carried out by a much younger member of the council called the *Ogulasuowei* or spokesman of the settlement. He acted on behalf of the Council in the day to day relations with and between the people of the community and presented matters to the Amagula for deliberations and settlements. In religious matters, each settlement had its own priest, the *Orukareowei*, while the larger Clan or Ibe set up of several settlements had a Chief Priest, the *Oru-Pere*, who presided over the annual event of commemorations to the group god of the

²²⁹ A. Orugbani, *Nigeria since the 19th Century* (Port Harcourt: Paragraphics, 2005).

²³⁰ Obaro Ikime, 'The Peoples and Kingdoms of the Delta Province,' in Obaro Ikime (Ed), *Groundwork of Nigerian History* (Ibadan: Heinemann, 1980).

clan, but the Oru-Pere did not exercise control over the individual member settlements of the clan or Ibe.²³¹

On the whole, the precolonial socio-political system of the Western Ijo groups before the advent of the Europeans on the scene was one of a segmentary non-centralized organization anchored on autonomous settlements arranged into clan or Ibe lines, without kingship institutions in place, but rather governed by gerontocracy and age grade units. By the time of the arrival of European adventurers and traders on the coast in the late fifteenth century, the Ijo people of the Western Delta, though defined as a difficult group by the British, were well tuned within the confines of their political and social institutions to engage in the emergent external trade which eventually characterised their relations with Great Britain.

5.2 *Ijo Intercourse with the British*

It is pertinent to examine relations between the Ijo and the Europeans prior to the point of treaty-making for a better understanding of the dynamics of the encounters between the two groups. As indicated earlier, Europeans perceived the Ijo as difficult pirates, chiefly remarkable for treachery, lawlessness, and love of plunder. Consequently, in the grand scheme of mid-Victorian imperial policy towards Africa, the legal and philosophical foundations of colonisation as has been discussed in chapter two, were driven in part by the three Cs of commerce, civilization, and Christianity'.²³² In British encounters with the

²³¹ A. I. Nanna, *The Western Niger Delta to 1900: Society, Polity and Economy* (Warri: COEWA Publishers, 1994); U. B. Okpevra, 'Ijo-Itsekiri Relations, 1500-1800' in Akinwumi Ogundiran (Ed) *Precolonial Nigeria Essays in Honor of Toyin Falola* (Trenton, N J: Africa World Press INC, 2005); E. J. Alagoa, 'The Western Apoi: a note on the use of ethnographic data in historical reconstruction,' *African Notes*, Vol. 2, No. 1, 1968.

²³² C. Bolt, *Victorian Attitudes to Race* (New York: Routledge, 2007); Richard Olaniyan, 'British Imperial Politics and Diplomacy in West Africa, 1860 – 1865,' *The Historian*, Vol. 34, No. 4, 1972; Robinson, R., and J. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: MacMillan, 1961).

Western Ijo and others, clearly, what played out was a case of Great Britain balancing all the contingencies for expansion in the form of ideology and pragmatism. In the first instance, ideological notions of the so called, ‘White Man’s’ superiority over other races, a sentiment which had been given fillip long before the Scramble, influenced the characterisation of the Ijo and others as savages to which a moral responsibility lies with the Europeans to colonise and civilise.²³³ This implied that, Great Britain would have to rescue these wild lands from barrenness and savagery, so that, the Ijo, like others in the Western Delta had to be pacified; to be freed from their state of innocence by extending to them European knowledge, religion and ways to progress. On the other hand, pragmatism in the form of the glaring potentials for commerce and natural resources in Africa offered justification for expansion. Thus, buoyed by both inter-European rivalries and an appetite for forest produce, Great Britain did not hesitate to enter into general diplomatic negotiation with the Western Ijo and other areas for the purposes of trade exploitation, but one, also underpinned by the ‘civilising mission’.²³⁴

The centrality of trade to Britain’s interest in the region was evident in the fact that early contact and later treaty-making were conducted through the Royal Niger Company. Though, not known for its civilizing mission, the RNC established itself in the Niger Basin and held sway as a trading company and principal imperial agent of the British Crown to ward off other European rivals. Indeed, long before the Scramble, its Chairman, George Goldie was desirous to see the dominion of Great Britain over the Niger Basin, and to gain access to the trade and resources of the hinterland, and ultimately to check the advance of the

²³³ L. H. Gann, and P. Duignan, *Colonialism in Africa, 1870-1960* (London: Cambridge University Press, 1969).

²³⁴ F. D. Lugard, *The Dual Mandate in British Tropical Africa* (London: William Blackwood and Sons, 1922); *The Rise of our East African Empire* (Edinburgh: William Blackwood and Sons, 1893).

French and the Germans.²³⁵ He set about this task by first, working to amalgamate the myriad of trading interests in the Niger Basin to form a new company from the United African Company (UAC) in 1879.²³⁶ In this process, the trading interests of the English merchants, James Crowther of the West African Company; David MacIntosh's Central African Company; and the firms of the William Brothers and James Pinnock were combined with the UAC into the new National African Company (NAC), in 1882, with Goldie himself emerging as the Chief Agent of the combined conglomerate in the Niger Basin.²³⁷ Having out-muscled rival European trade interests, subsequently, this monopolistic firm, which was eventually given a Charter by the British Government in 1886 and renamed the Royal Niger Company (RNC), became not only the face of Great Britain's trade interest and presence on the Niger by filling the niche which was lacking, but also as a fulcrum, vanguard and spur for aggressive imperial expansion as it was able to consolidate British presence and control through treaties concluded with indigenous peoples which, became the basis for subsequent legal and political control.²³⁸

It must be understood that, the pattern of granting charter rights to the RNC by the English Crown was, consistent with similar practice earlier in India and Canada as exemplified by the Charter granted the East India Company (EIC), and in the case of Canada,

²³⁵D. Wellesley, *Sir George Goldie Founder of Nigeria* (New York: Arno Press, 1977); J. E. Flint, *Sir George Goldie and the Making of Nigeria* (London: Oxford University Press, 1960). The Motive of rivalries between European powers played a major role in the resolve of Great Britain to accelerate her activities on the Niger territories, as the activities and report of the German African Society through their explorer Herr Robert Flegel on the Binue, as well as of the French on the Niger alarmed both British traders and Whitehall, especially the French whose government supports its companies on the Niger. See, *The Star; Guernsey*, Tuesday, September 16, 1884.

²³⁶Thomas Pakenham, *The Scramble for Africa* (London: Weidenfeld and Nicolson, 1991); J. E. Flint, *Sir George Goldie and the Making of Nigeria* (London: Oxford University Press, 1960).

²³⁷ W.N.M. Geary, *Nigeria under British Rule* (London: Frank Cass & Co, 1927).

²³⁸ The Company's desire for a Charter from the government of Great Britain intensified after it became the National African Company (NAC) in 1882. See, TNA, F. O. 84/1879, and F. O. 84/1880, correspondents concerning request for and granting of Charter from the NAC to the British Government.

the Hudson's Bay Company's (HBC) Charter of 1670. As discussed in chapter three, the HBC's charter enabled her to become involved in the process of treaty-making, engaging in commercial monopoly and assuming political control on behalf of the Crown in an informal manner. Similarly, the political expediency of granting a charter to the RNC in 1886 bestowed on her both commercial and governing rights over the Niger territories which, her agents exploited to conclude further treaties with the chiefs and peoples, and thus keeping the territories out of French hands. Indeed, the contracting of a company and the granting of a charter to the RNC should be seen as the early steps in the RNC becoming a form or conduit of British eventual political control in Nigeria.²³⁹ In the Niger territories, the RNC had its depot station at Akassa, at the mouth of the Nun River, and it was from there that trading steamers from England discharged their goods for the whole of the areas under the company's later control, and loaded up again with the products of the indigenes, while its administrative headquarters was at Asaba, up the Niger from the Delta region. But how did Britain's encounters and relations with the indigenous Ijo people of the Western Delta progress to the level of treaty-making and eventual establishment of political control?

In the era of the slave trade, the Ijo of the Western Delta like their Eastern Ijo brethren served as middlemen in the contact process between the hinterland and the Europeans at the coast. But, unlike the Eastern Delta, the Atlantic trade was not as much carried out in terms of volume in the Western Delta, the primary slave port being only the

²³⁹ Maiangwa, Benjamin; Muhammad Dan Suleiman; and Chigbo Arthur Anyaduba, 'The Nation as Corporation: British Colonialism and the Pitfalls of Postcolonial Nationhood in Nigeria,' *Peace and Conflict Studies*, Vol. 25, No. 1, 2018; P. J. Stern, *The company-state: Corporate modern sovereignty and the early modern foundations of the British empire in India* (Oxford: University Press, 2011).

Benin port of Gwato.²⁴⁰ Nevertheless, the pre-existing long distance internal trade between and amongst the various peoples of the Western Delta through the riparian system of the Delta, no doubt accentuated the growth and development of the emergent overseas slave trade and its later successor, the palm oil trade. Thus, the scene was laid out for the Ijo of the Western Delta to be actively involved in both the Atlantic and Palm Oil trades that emerged from the fifteenth to the nineteenth centuries. Both in the era of the slave trade and forest trade, the indigenes living near the sea and near the various factories were the middlemen traders between the English merchants and the tribes living farther inland, who were the oil producers.²⁴¹

However, it must be emphasized that, in histories of the slave era contact between the Delta peoples and the Europeans, prominence is often given to the Eastern Delta city-states of Bonny, Kalabari, Okrika, and Nembe-Brass.²⁴² This may not be unconnected with the fact that the Western Delta unlike the Eastern Delta was not as much a trading hub both in the slave and legitimate commerce eras. This did not diminish the area from featuring in trade relations and the attendant political and diplomatic consequences it brought with the early Portuguese and other European powers, whose presence in and around the estuaries of the Escravos and Forcados Rivers in the late fifteenth century inevitably ensured interactions with the Ijo of the area. Indeed, Portuguese trading activities during the slave trade era were concentrated around the mouths of the Escravos, Forcados, and Benin Rivers which were the highways of the trade of the time between the coastal peoples and the Europeans. For

²⁴⁰ J. O. Vogel, 'History of the Ijaws and their Neighbors in Southern Nigeria,' in *Encyclopedia of Precolonial Africa: Archaeology, History, Languages, Cultures, and Environments* (Walnut Creek, CA: Altamira Press, 1997).

²⁴¹ Alan Boisragon (Captain), *The Benin Massacre* (London: Methuen & Co., 1897).

²⁴² G. I. Jones, *From Slaves to Palm Oil, slave trade and palm oil trade in the Bight of Biafra* (Cambridge: African Studies Centre, 1989); G. I. Jones, *The Trading States of the Oil Rivers: A Study of Political Development in Eastern Nigeria* (Oxford: University Press, 1963); K. O. Dike, *Trade and Politics in the Niger Delta, 1830-1885: An Introduction to the Economic and political History of the Nigeria* (Oxford: University Press, 1956).

instance, from the early sixteenth century, the Portuguese enclave of Sao Tome was supplied with slaves supplied from Forcados.²⁴³ It appears that the Forcados area was as much a center of slave trading activity as the Benin port of Gwato, which has received more attention in existing historiography. Clearly, the Western Ijo, especially, the group Pereira referred to as Huela, who occupied the estuaries of the Forcados and the Escravos Rivers, were major players in the slave trade as much as the Benin and the Itsekiri did.²⁴⁴

Importantly, it appears the organization of the slave trade with the Portuguese in the Western Delta was largely in the hands of the Benin, not the coastal Itsekiri and Ijo groups. In the early sixteenth century, a Portuguese ship trading in the Forcados had to send local indigenes – possibly – the Ijo and Itsekiri to Benin to buy slaves needed to complete its cargo, while the following year, the Captain of another ship from Sao Tome was instructed by the Oba (King) of Benin to endeavour to berth at the mouth of the Benin River, but that otherwise, arrangements would be made to send slaves from Benin to the Forcados.²⁴⁵ As the slave trade intensified in the seventeenth and eighteenth centuries, the Portuguese were displaced by other European rivals, particularly Britain and France on the West Coast of Africa as the traffic in humans became the principal item of commerce most important to the economy of the New World.²⁴⁶

²⁴³ A. F. C. Ryder, 'An Early Portuguese Trading Voyage to the Forcados River,' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 4, 1959, P. 295.

²⁴⁴ Duarte Pacheco Pereira, *Esmeralda De Situ Orbis* (1533), Translated and Edited by George H.T. Kimble (London: Hakluyt Society, 1937), P. 138.

²⁴⁵ A. F. C. Ryder, 'An Early Portuguese Trading Voyage to the Forcados River,' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 4, 1959, P. 296.

²⁴⁶ Joseph E. Inikori, *Africans and the Industrial Revolution A Study in International Trade and Economic Development* (Cambridge: University Press, 2002); K. O. Dike, *Trade and Politics in the Niger Delta 1830 – 1885* (Oxford: Clarendon Press, 1956).

By the late eighteenth century, Dutch and English slave traders and ships had displaced the Portuguese as the main merchants on the Delta, operating around the estuaries of the Benin, Escravos and Forcados Rivers, at a time the export of populations to the new world was at its height, averaging between seventy thousand to eighty thousand slaves a year.²⁴⁷ By this time, the Western Ijo acted in tandem with the appellation given to them by Europeans as pirates and plunderers, mostly engaging in capturing hinterland peoples for their Itsekiri neighbours who in-turn sold such to the Europeans.²⁴⁸ This description, and Ryder's characterization of Forcados, an Ijo settlement as an entrepot for slaves, clearly suggests that there may have been some form of cooperation between the two coastal groups – the Itsekiri and the Ijo, in the Atlantic slave era. In the social structures of the Western Delta, both the Itsekiri and the Ijo rarely kept their folks as slaves; rather, most slaves came through the slave routes from the Benin and Yoruba countries as victims of tribal wars.²⁴⁹ The significance of this rests within the context of the intricacies of the ways and means of the slave trade, which was fraught with crises, bordering on conflicts and abductions that engendered mistrusts and rivalries. According to G. I. Jones, evidence from oral traditions of the Forcados Ijo indicates that, increased European demands for slaves in the seventeenth to eighteenth centuries led to numerous wars and slave raiding episodes between and amongst the various Ijo groups of the Western Delta, with the trend most common with the *Mein* and *Trakiri* (Tarakiri) Ijos.²⁵⁰ This perhaps explains why the Ijo were often engaged in piracy and

²⁴⁷ K. O. Dike, *Trade and Politics in the Niger Delta*.

²⁴⁸ The first of such recorded Ijo capturing of people into slavery was the case of Osifeku-ade, the informant of the Portuguese, D' Avezac, who according to R. N. Bold, was captured by the Ijoh and sold into slavery by the Itsekiri at Bobi. See R. N. Bold, *The Merchants' and Mariners' African Guide* (London: J. W. Norie & Co, 1819).

²⁴⁹ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century: An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963, Pp. 218 – 219.

²⁵⁰ G. I. Jones, *From Slaves to Palm Oil, slave trade and palm oil trade in the Bight of Biafra* (Cambridge: African Studies Centre, 1989).

plunder. By and large, as E. J. Alagoa has noted, the Western Ijo were in a peripheral position in relation to the Itsekiri and the Benin in the emergent enterprise. Thus, the Ijo often preyed on the trade canoes of the Itsekiri in particular, plundering their cargo and whisking them off for themselves. The Kabowei of Patani were said to be notorious for such piratical activities on the Forcados, a trend they extended up to the palm oil trade era.²⁵¹

The abolition of the slave trade in the early nineteenth century forced the Western Ijo and the other groups to adjust and rearrange their relations with the Europeans, especially with the British in particular to suit the vagaries and demands of the new palm oil trade. The industrious and adaptive character of the people ensured that, the end of the slave trade did not overly affect their economic bases. Rather, the people took advantage of the new opportunity and redirected their resources and energies into the new palm oil trade, which by 1840, was estimated to be millions of pounds in annual turnover.²⁵² In this new trade, the Western Ijo featured prominently, setting out in the process relations and intercourse with the agents of Great Britain. But, it appears the Western Ijo, most likely because of their non-centralized political system, could not fashion out an ordered trade arrangement, rather, they seem to have been more involved in the carrying business of the palm oil trade, of getting forest goods from the hinterland Urhobo (Sobo) and Isoko groups, and delivering such to British traders who at this time were stationed in a few Western Ijo settlements, such as Forcados, Burutu, Patani, Ganagana, and Frukama which, had emerged as trading centers,

²⁵¹ E. J. Alagoa, *A History of the Niger Delta: An Historical Interpretation of Ijo Oral Traditions* (Ibadan: University Press, 1972); J. W. Hubbard, *The Sobo of the Niger Delta* (Zaria: Gaskiya Corporation, 1948).

²⁵² Ofinjite Joy Ogaji, 'The Viability of Applying Alternative Dispute Resolution Processes in the Niger Delta Conflict,' Unpublished PhD Thesis, University of Warwick, 2014; D., Northrup, 'The Compatibility of the Slave and Palm Oil Trade in the Bight of Biafra', *Journal of African History*, Vol. 17, No. 3, 1976.

and clearing houses for the emergent trade, but albeit, less significant than the Benin and Itsekiri areas.²⁵³

²⁵³ G. I., Jones, *From Slaves to Palm Oil, slave trade and palm oil trade in the Bight of Biafra* (Cambridge: African Studies Centre, 1989); Babafemi Ogundana, 'The Fluctuating Significance of Nigeria's Pre-Modern Ports,' Paper presented at the Seminar of the Institute of African Studies, University of Ife, Nigeria, 27 October, 1966.

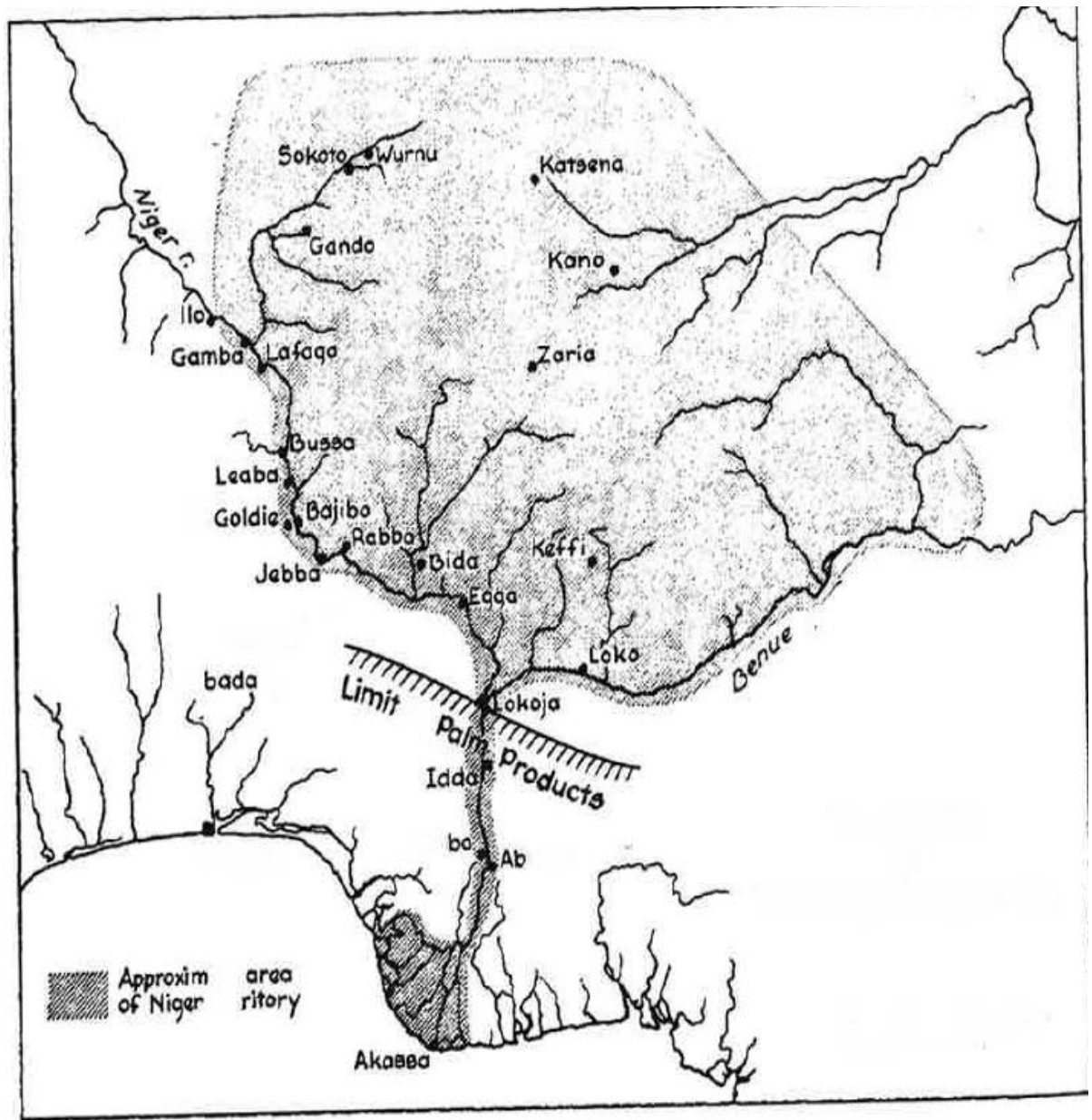


Figure 7. Map indicating the approximate territories of the RNC²⁵⁴

²⁵⁴See, Scott Pearson, 'The Economic Imperialism of the Royal Niger Company,' p.72.

5.3 RNC Treaties with Western Ijo

As the imperial ambitions of the European powers increased in Africa, the accelerated expansion of Great Britain into Western Ijo areas was facilitated by a trading company, acting to all intents and purposes on behalf of Great Britain. Like the cases of the HBC and NZC in Canada and New Zealand, the NAC (later RNC), was the agency on ground, driving the imperial process in this instance. The treaties it concluded with indigenous chiefs, served both its trade interests and the imperial ambitions of Britain. These treaties, which gave the company trade advantages and also transferred sovereign powers to it and later to Great Britain in 1899, when its Charter was abrogated, provided the *fait accompli* for British colonisation of the people. For instance, two weeks before the opening of the Berlin Conference, the National African Company was able to obtain through treaties from African chiefs concessions of trading and political rights and also won significant trade wars with French companies, and drove them out of the Niger Basin. These were the treaties and others rushed to the Berlin Conference by Goldie and relied upon by British negotiators to validate Great Britain's claims over the Niger territories.²⁵⁵ This feat subsequently enabled the declaration of a protectorate over the Niger Districts by Great Britain in June 1885.²⁵⁶ This did not require military force.

²⁵⁵ TNA, F. O. 881/6425, Africa: Treaties. RNC and Native Chiefs, 1884-1892; Steven Press, *Rogue Empires Contracts and Conmen in Europe's Scramble for Africa* (Cambridge, Massachusetts: Harvard University Press, 2017); Forster Stig, Wolfgang J. Mommsen, and Ronald Robinson, (Eds), *Bismarck, Europe, and Africa: The Berlin Conference, 1884-1885, and the Onset of Partition* (Oxford: University Press, 1988); Scott R. Pearson, *The Economic Imperialism of the Royal Niger Company* (Stanford University: Food Research Institute, 1971); J. C. Anene, 'The Foundations of British Rule in "Southern Nigeria" (1885-1891),' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 4, 1959; Herstlet's Map of Africa by Treaties; Official Supplement, 'General Act of the Berlin Conference Concerning the Congo,' *The American Journal of International Law*, Vol. 3, No. 1, 1909; S. E. Crowe, *The Berlin West African Conference, 1884 – 1885* (London: Longmans, 1942).

²⁵⁶ Just two weeks before the opening of the Berlin Conference, the National African Company was able to obtain through treaties from African chiefs concessions of trading and political rights and also won significant trade wars with French Companies and drove them out of the Niger Basin. This feat enabled the declaration of a protectorate over the Niger Districts by Great Britain in June 1885. For the treaties concluded in 1884, see,

The process of treaty-making between the NAC and the indigenous Western Ijo predated the Berlin Conference. As discussed in chapter two, apparently influenced by nineteenth century European legal understandings of treaty-making as a means of acquiring title deed to territories, the National African Company under Goldie and its Chief Agent MacIntosh – the same that was bought over by Goldie - doggedly embarked on a treaty-making enterprise with several Western Ijo settlements. By the 1880s, as the Delta states were struggling with how to secure their middleman position in the palm oil trade, Britain was streamlining its plans to push further into the interior to have direct access to producers of palm oil. The operative philosophy of the British was control, commerce and profits, and in this case, the NAC provided the needed tonic to achieve these objectives of incorporating the Ijo territories into Great Britain's commercial and political orbit.

In its treaty-making enterprise in the Niger territories, the NAC employed ten different types of treaty forms. From available records, one can only speculate why different and not a single uniform treaty form was used. Perhaps, the exigencies of the time could not allow for the production of a single uniform treaty form. It is also likely that the different forms were designed to serve different peculiar situations. Nevertheless, the basic provisions of these numbered treaties were similar, including the transfer of indigenous territory and sovereignty to the NAC and its administrators forever; forbidding the indigenes from entering into any form of legal bind with other European powers; and remedies which could be activated in the event of breach of any aspects of the clauses inherent in the treaties. All the treaty forms also had provisions for an interpreter and a witness, and the name of Edward

TNA, F. O. 881/6425; Scott R. Pearson, *The Economic Imperialism of the Royal Niger Company* (Stanford University: Food Research Institute, 1971); Herstlet's Map of Africa by Treaties.

Hyde Hewett, who was Consul of the Niger Districts at the time. They also bore the name of D. MacIntosh, the Chief Agent of the NAC and right-hand man of Goldie on the coast.

The forms did differ in the number of articles or clauses contained. Whereas a majority of them had up to ten articles, others were made up of four to five articles. Again, one can speculate that the different forms with varying articles and clauses may have been used simply because that was what was available at the time, or because the different articles contained specific clauses which were relevant to each individual encounter, as detailed below. There also seem to have been some adjustments to forms over the course of the treaty-making encounter. For instance, Form (1) was used to conclude arrangements with indigenous peoples between January and December 1884. Form (2) was used from August to October 1884, but not used for any settlement under this study. Form (3), September to October 1884, was also not used for any settlement here. Form (4) was used from March to October 1886, but also did not cover areas of this study. Form (5), from April 1884 to September 1888, this form was used most with the Ijo under this study. Form (6) was used between April 1885 and November 1885. Form (7) was not used for any treaty conclusions with settlements under the study area. Form (8) was used in June 1885. Form (9) was used between May 1889 and January 1890. Form (10) covered the period March 1890 to May 1892.²⁵⁷

In all, the NAC and later the RNC concluded thirty treaties with the Ijo of the Western Delta, under forms number one, five and nine. It is impossible to know the total number of Western Ijo settlements as at the time of their encounters with the British as a

²⁵⁷ TNA, F. O. 881/6425; Herstlet's *Map of Africa by Treaties, List of Treaties concluded between the RNC and Native Chiefs, 1884 – 1892*, Pp. 450 – 480.

measure of knowing whether the treaty-making exercise involved all of the settlements. A noticeable trend was that the process was rather more like a cherry-picking one whereby, one settlement after the other was approached and treaties were concluded with them; this likely explains why so many treaty forms were used.

These agreements ultimately ceded political and sovereign rights of the indigenous peoples to the Company and later Great Britain, even though as in the other cases, it can be argued that the indigenous leadership and its people had little or no understanding of the full implications of affixing their marks on the treaties. For the imperial agent, this was irrelevant, as far the treaties served the purpose of granting trade advantages and imperialism. Interestingly, the concluded treaties unwittingly reflected a spread across the identified Clans of the Western Ijo of this study. It is apparent that the imperial agent was not keen on trying to bring together all of the different clans for a few big treaties, instead, it negotiated with them all individually and signing many treaties. Perhaps, the Company had enough local Intel to know how the people were organized along clan lines. A close examination reveals that, at least one settlement in each of the clans, not necessarily the head town concluded a treaty with the imperial agent.

Again, a further analysis of the pattern of treaty-making by the NAC in Western Ijo territory reveals some salient points. As earlier noted, some of the treaties, especially those concluded before the start of the Berlin Conference, were the treaties rushed by Goldie to that Conference to validate Great Britain's presence and hold in the Niger territories, and also referenced in the Charter application of the Company in 1886.²⁵⁸ Secondly, the process began with settlements at the headwaters of the Forcados River around the Patani area, and moved

²⁵⁸ See, Hertslet's Map of Africa By Treaty, Pp. 450-56.

downstream to the Atlantic coast, covering the settlements at the estuaries of the Escravos and Forcados Rivers. One can explain the trend of starting at Patani perhaps as a result of its status as a trade hub, being one of the trade stations of the Niger Company, and also being close to the Isoko and Ukwuani palm oil producers. It may also have been due to its reputation as a piratical hub, thus a need to conclude treaties with Patani, so as to quickly bring it under the control of the company. Lastly, the negotiation processes of these treaties are not easily discernible from the contents, even though the names and signatures or marks of the indigenous leadership that signed are clearly recognizable.

In light of the above, a time based analysis of the treaty-making episodes between the NAC and the Western Ijo reveals that in 1884, between October and December, seven treaties were concluded with the following settlements accordingly: Torofani – *Terro Fanni* (Otrofani of Kabowei Clan) settlement of the Patani area (21 October, 1884)²⁵⁹; Patani – *Big Patani* the head town of the Kabowei Clan (22 October, 1884)²⁶⁰; *Ogollama* (Agoloma), *Angiama*, *Obiodiobiri* (Ebedebiri), and *Angalabiri* (all on 27 December, 1884)²⁶¹; *Sagbama* - head town of the Kumbowei Clan (29 December, 1884).²⁶² The Torofani and Patani treaties were concluded under form number one, and from the conclusion dates, the Patani treaty was

²⁵⁹ TNA, F. O. 84/1748, The National African Company, Limited, Treaty with Terro Fanni (Torofani), 21 October 1884, Pp.102 – 103.

²⁶⁰ TNA, F. O. 84/1748, The National African Company, Limited, Treaty with Big Patani, 22 October 1884, Pp. 100-101.

²⁶¹ The Ogollama, Angiama, Obiodiobiri, and Angalabiri treaties were concluded on the same day. These settlements are just a few miles apart from one another on the left and right banks of the Forcados River. See, TNA, F. O. 84/1748, The National African Company, Limited, Treaty with Ogollama, 27 December, 1884, Pp. 80-81; TNA, F. O. 84/1748, The National African Company, Limited, Treaty with Angiama, 27 December, 1884, Pp. 84-85; TNA, F. O. 84/1748, The National African Company, Limited, Treaty with Obiodiobiri, 27 December, 1884, Pp. 86-87; TNA, F. O. 84/1748, The National African Company, Limited, Treaty with Angalabiri, 27 December, 1884, Pp. 96-97.

²⁶² TNA, F. O. 84/1748, The National African Company, Limited, Treaty with Sagbama, 29 December 1884, Pp. 98-99.

concluded a day after that of Torofani. On the other hand, the treaties with Ogollama, Angiama, Obiodiobiri, Angalabiri, and Sagbama were concluded with form number five.

Typically, the text of the pro forma treaty form number one was as follows:

We, the undersigned ...fully recognize the benefit accorded to our country and people by our intercourse with the National African Company (Limited), and, in recognition of this, we now cede the whole of our territory to the National African Company (Limited), and their administrators, forever. In consideration of this, the National African Company (Limited) will not interfere with any of the native laws, and also not encroach on any private property unless the value is agreed upon by the owner and the said Company.

The National African Company (Limited) will reserve to themselves the right of excluding foreign settlers.

Any palaver that may exist with any other tribe at any time, or in the event of any dispute arising between the ...and territory, shall at once be referred to the National African Company (Limited) or their representative at the time.

We, the ...and district, do hereby agree to afford assistance at any time for the protection of the said Company's' property and people.

As per mutual consent of the ... of the foregoing agreement, The National African Company (Limited), agreed to pay ...

David McIntosh.

pp. The National African Company (Limited),

In approval of the foregoing agreement, we, the ..., do hereby affix our names as under.

We, the undersigned, are witnesses to the marks of the ..., and also vouch for their understanding what they have signed.

I do hereby declare that the foregoing Agreement was duly and correctly explained to the above ..., and they fully understood it.

(Signed) ...

Declared before me, at... this... day of ... 1884.

Consular Seal affixed here.

EDWARD HYDE HEWETT,

As earlier indicated, clearly the NAC and the imperial power were working in one accord, given that Consul Hewett's name was boldly captured in the treaties. Apparently, it was a case of the imperial Consul overseeing and ratifying any action taken or agreement concluded by the agents of the Company. This underscores the notion that, the Company clearly acted on behalf of the British Crown in its treaty-making endeavours. As noted, Form One was used for the first treaty the NAC concluded with the Ijo of the Western Delta, that with the Otrofani on 21 October 1884. However, the treaty - which was also on Form One - with Big Patani (Patani), the head town of the Kabowei Clan, to which Otrofani also belongs perhaps deserve greater attention because of its place as a center of trade, and some developments between the people and the Company which degenerated to conflict.

The Patani treaty was concluded on 22 October 1884 under form number one. The title reads, The National African Company, Limited, Treaty with Big Patani. The addition of the word 'Big' perhaps suggests that the Agents of the Company were informed or cognizance of the fact that they were dealing with a settlement that was an amalgam of several Kabowei communities, as indeed, Patani town is a fusion of several descendants of the eponymous founder of the Kabowei Clan. Following this, reference is made to King and Chiefs of Big Patani in the opening sentence of the treaty and repeated in five other instances in the body of the treaty including the signing section. This indicated that, the Company and its Agents most probably dealt with a King and his Chiefs. As seen in the signatory section, the column of the King where he affixed his mark was separated from the other Chiefs who

²⁶³ For samples of the various pro forma Treaty forms, see, TNA, F. O. 881/6425, Treaties. Royal Niger Company and Native Chiefs, 1884-1892, Pp. 4-16.

affixed after him. In total, the King and his Chiefs who affixed their marks were ten in number accordingly: King Buloway; Chief Apaupri, Chief Ebarr, Chief Amanana, Chief Deggeh, Chief Eggarah, Chief Wohloah, Chief Bibrah, Chief Oputeh, and Chief Amanana Oboo. The treaty was also witnessed and signed by six persons, three of whom seems to be Europeans, while the other three seems like African employees of the Company, going by their names, and the fact that unlike the European witnesses, they affixed marks like the indigenous King and Chiefs. The Africans also seem to have been the interpreters of the contents of the treaty to the people, with their names and marks coming under the section of the treaty which outlines that the witnesses vouch for the natives' understanding of what they have signed.²⁶⁴ The names of the witnesses were: E. A. Bedford; E. P. Lowe; and M. F. G. Monday as the Europeans; Obooragu, Agberi, and Abokie, as the Africans. The treaty seems to have been negotiated by Isaac T. Palmer, on behalf of the Company, while it was obviously taken to the Company's headquarters at Akassa and certified by its Chief Agent David MacIntosh on the 15 November 1884.

Patani was significant as a trade center farther up the Forcados River and close to the Isoko and Ukwuani oil producers.²⁶⁵ Without the Itsekiri to contend with unlike the Ijos at the mouths of the Forcados and Escravos Rivers, Patani enjoyed the middleman advantage in the Company's dealings with the hinterland groups.²⁶⁶ Most importantly, it was likely that the trading companies – John Holt and the NAC- chose to set up station at Patani not just

²⁶⁴ For perspectives on Africans in the service of the colonialists, see, Benjamin N. Lawrence, Emily Lynn Osborn, and Richard L. Roberts (Eds), *Intermediaries, Interpreters, and Clerks: African Employees in the Making of Colonial Africa* (Madison: Wisconsin University Press, 2006); Anderson, David M., and David Killingray, *Policing the Empire: Government, Authority and Control, 1830-1940* (Manchester: University Press, 1991).

²⁶⁵ Obaro Ikime, 'The Western Ijo 1900 – 1950: A Preliminary Survey,' *Journal of the Historical Society of Nigeria*, Vol. 4, No. 1, 1967.

²⁶⁶ At a time, Burutu was the headquarters of the United African Company (UAC), while by the 1880s, the Royal Niger Company (RNC) and Messrs John Holt and Company had trading stations in Patani, Frukama, and Ganagana. See, John Holt Papers, Box, 1/6 Wood to John Holt, 9 August 1906.

because of its proximity to the hinterland Isoko oil markets alone, but because of its proximate location to the Niger. By the 1840s, the route from Warri, via the Patani axis of the Forcados River had been explored by Beecroft, so that it became preferred for its deeper bar and shorter time to get to the Niger from Warri compared to the Nun River route which was troubled by Eastern Ijo pirates for centuries so much so that, almost every European traveler along that route had experienced an affray with them. Consular reports by Campbell to the Foreign Office within the 1850s indicated that the menace of Ijo pirates became unbearable to the point where English merchants took it upon themselves to confront the pirates with war canoes, but with little success. By 1856, the pirates were said to engage in looting boats within the sight of English factories.²⁶⁷ In the Western Delta, the mouths of the Escravos and Forcados Rivers and the Patani area were so notorious for Ijo piracy activities that the British Admiralty was called in on occasions to protect factories.²⁶⁸ Nevertheless, by the 1870s, all seemed calm as Ijo piracy activities reduced significantly, especially around the estuaries of the Escravos and the Forcados. No doubt, this calm was engendered by the growth of the palm oil trade and the gradual establishment of the presence of the Niger Company and other trading concerns. So that, as slaving activities declined considerably and later fizzled out in the face of the new trade, the Western Ijo and other groups were forced to adapt and participate in the emergent commerce in the Niger Basin.²⁶⁹

However, in the organization of the trade, one distinctive Royal Niger Company practice in the area was its introduction of the instant payment for goods system. The

²⁶⁷ TNA, F. O. 84/1002, Consul Campbell to Foreign Office, 24, March 1856; F. O. 84/1031, Campbell to Foreign Office, 2, February 1857.

²⁶⁸ TNA, F. O. 84/1308, Livingstone to Foreign Office, 23 November 1869.

²⁶⁹ D. Northrup, 'The Compatibility of the Slave and Palm Oil Trade in the Bight of Biafra', *Journal of African History*, Vol. 17, No. 3, 1976.

company did not do its business on the trust system which prevailed in the Itsekiri and Urhobo areas, as payment was only made for what is actually supplied and received. This suggests that, while strong trade links existed between the Company and indigenous peoples, there was also evidence of some continued mistrust between the two parties. Nevertheless the Ijo were attracted ostensibly by the economic benefits associated with the new commerce and this practice does not seem to have discouraged trade.²⁷⁰ It was in the course of taking advantage of this new commerce that the Patani area had altercations with the Company.

What must be quickly noted here is that the conclusion of the treaty with Big Patani did not entirely stop some use of violence by the British in their encounters and relations with the people as demonstrated shortly. We can recall the prominence of Patani in European accounts earlier in the slave era, when piratical activities of the Kabowei on the Forcados were so worrisome that Consular and company officials took measures to curtail their preying on trade canoes and goods. Indeed, in the 1850s, efforts by English merchants to chastise the Ijo on their looting activities on the Forcados River yielded little, to the extent that, even gunboat operations to seek and destroy the lair of the Ijo pirates in 1856 did not achieve the desired objective, as Ijo piracy on the Forcados continued unabated.²⁷¹ An incident which warranted the intervention of the Niger Constabulary of the RNC was narrated in Claude MacDonald's *Mission up the Niger* in 1891. In this instance, most likely in 1887, the Patani were said to have harboured a local trader from Brass, who came up the Niger with a canoe laden with smuggled goods, and upon being detected by the Company's

²⁷⁰ K. O. Dike, *Trade and Politics*, Pp. 68-9

²⁷¹ TNA, F. O. 84/1634, Hewett to Granville, 11 June 1883. In this Consular despatch, Hewett also complained about the activities of Ijo pirates around the Patani axis; TNA, F. O. 84/1377, Livingstone to Granville, 14 Jan. and 27 Aug. 1873; TNA, F. O. 84/1308, Livingstone to Clarendon, 24 Nov. 1869; TNA, F. O. 84/1031, Campbell to Clarendon, 2 Feb. 1857; F. O. 84/1002, Correspondence, Campbell to Clarendon on Ijo piracy activities, 24, March, and June 26 June 1856.

ship, the *Vigilant*, which was patrolling the river, the Brass man rowed into Patani to seek refuge, and in the process, the people of Patani came out and opened fire on the *Vigilant*, forcing it to retreat.²⁷² This action by the Patani prompted a reaction from the Niger Constabulary, to attack the town and occupied it for some time.²⁷³

The import of this incident was that, despite the conclusion of a treaty earlier in 1884 with the Company, the Patani Ijo seemed to have exercised considerable commercial and political independence. Clearly, the reaction of the Company points towards post treaty enforcement of political and commercial rights inherent in the treaty of 1884. By the 1880s, as Scott Pearson has noted, the RNC had succeeded in becoming a virtual monopoly, circumventing the native middlemen in the oil palm trade, and established relatively high customs duties and a licensing system which cut off the indigenes out of the Niger trade effectively.²⁷⁴ Indeed, in the aforementioned episode with the Brass man and the Patani, the Brass man's actions of trading goods, which the Company must have taken as its sole preserve, and the attempt by the Patani to come to the Brass man's aid were taken as inimical to the monopolistic operations of the Company, hence, the punitive action against Patani to teach the town a lesson for challenging the Company. This attack on Patani it must be noted, was the only recorded punitive action against any Ijo settlement in the Western Delta, but it came four years after treaty diplomacy had been used as a first step to pacify the people and subsume them under the political control of the Company. However, an important point to note from this episode was, whether this action by the Company on the Patani had the effect

²⁷² The incident involving the Brass man most likely occurred in 1887, for it was the following year according to Macdonald's account that the Constabulary attacked Patani. The Niger Constabulary was formed in 1888.

²⁷³ A. F. Mockler-Ferryman, *Up The Niger, Narrative of Major Claude Macdonald's Mission to the Niger and Benue Rivers, West Africa* (London: George Phillip and Son, 1892, Pp. 250 -52)

²⁷⁴ Scott R. Pearson, *The Economic Imperialism of the Royal Niger Company* (Stanford University: Food Research Institute, 1971).

of getting other groups to cooperate with the company in concluding treaties. The answer to this is not clear-cut, but the treaty-making endeavours between the Company and other Ijo groups continued unabated.

The Company concluded treaties in succession with Ogollama (Agoloma), Obiodiobiri (Ebedebiri), Angalabiri on 27 December, and with Sagbama on 29 December 1884. These were all on form number five. In content, Form Five was more elaborate than Form One. Specifically, it contained additional clauses giving full powers to the Company over the indigenous peoples on matters of war and dispute resolutions with neighbouring groups. It also granted the Company rights to mine and build in any portion of the territories of the people in addition to the control of their internal and external diplomatic relations. Typically, as tools for colonisation the text of the pro forma form number five was as follows:

We, the undersigned Chiefs of, with the view to the bettering of the condition of our country and people, do this day cede to the National African Company, Limited, forever the whole of our territory extending from

We also give to the said National African Company, Limited, full power to settle all disputes arising from any cause whatever, and we pledge ourselves not to enter into any war with other tribes without the sanction of the said National African Company, Limited.

We understand that the said National African Company, Limited, have full power to mine, and build in any portion of our country.

We bind ourselves not to have any intercourse with any strangers or foreigners except through the said the National African Company, Limited.

In consideration of the foregoing, the said National African Company, Limited, bind themselves not to interfere with any of the native laws or customs of the country, consistently with the maintenance of order and good government.

The said National African Company, Limited, agree to pay native owners of land a reasonable amount for any portion they may require.

The said National African Company, Limited, bind themselves to protect the said chiefs from the attacks of any neighbouring aggressive tribes.

The said National African Company, Limited, also agree to pay the said Chiefs measures native value.

We, the undersigned witnesses, do hereby solemnly declare that the Chiefs whose names are placed opposite their respective crosses have in our presence affixed their crosses of their own free will and consent, and that the said has in our presence affixed his signature

(Signed)

Done in triplicate at, this Day of, 188...

Declaration by Interpreter

I ... native of, do hereby solemnly declare that I am well acquainted with the language of the ... country, and that on the ... day of ..., 188..., I truly and faithfully explained the above Agreement to all the Chiefs present, and they understood its meaning.

The next set of treaties with the Ijo of the Western Delta were concluded in 1885 between February and October, so partially after the Berlin Conference ended. The treaty with the Kumbowei settlement of *Appalebiri* was concluded on 17 February 1885. The treaties with the Kabowei settlements of *Ekperiwari*, *Ofonibahan* (Elemebiri), and *Samabiri* were concluded on same day, 23 February 1885. The treaty with the Seimbiri Clan settlement of *Opokoni* was concluded on 16 March 1885, while the treaty with *Babalabiri*, of Mein was concluded on 12 June 1885. The last treaty in 1885 was with the *Akoumbri*, a Kumbowei settlement, on 27 October.²⁷⁵ These treaties were all concluded under form number five above. Following these, two treaties were concluded in 1886 with, the *Olodiama* of Iduwini

²⁷⁵ TNA, F. O. 84/1748, The National African Company, Treaty with Appalebiri, 17 February, 1885, Pp. 82-83; TNA, F. O. 84/1748, The National African Company, Treaty with Ekperiwari, 23 February, 1884, Pp. 152-153; TNA, F. O. 84/1748, The National African Company, Treaty with Ofonibahan, 23 February, 1884, Pp. 156-157; TNA, F. O. 84/1748, The National African Company, Treaty with Samabiri, 23 February, 1884, Pp. 150-151; TNA, F. O. 84/1748, The National African Company, Treaty with Opokoni, 16 March, 1884, Pp. 324-325; TNA, F. O. 84/1748, The National African Company, Treaty with Babalabiri, 12 June, 1885, Pp. 48-49; TNA, F. O. 84/1748, The National African Company, Treaty with Akoumbri, 27 October, 1885, Pp. 68-69;

on 15 June, and with *Pakiama* of Mein on 17 October, respectively. These treaties were also settled under form number five. But by far, the largest numbers of treaties under form number five, were concluded with the Western Ijo in the year 1888.

As earlier said, the treaty making process followed a movement from the Patani axis in the north, southwards towards the mouths of the Escravos and Forcados Rivers. Thus, in the process, between June and September 1888, a total of twelve treaties were concluded with several settlements in this order: 12 June; *Bomodija* and *Baragola* of Mein. 13 June; *Ayakruama* of Seimbiri. 14 June; *Amassamah* of Obotebe. 16 June; Baccabo, Borotu and Gana- Gana. 17 June; Froukama. 18 June; Oboro. 28 August; Goolah of the Ogulagha Clan 7 September; Balabiri, and 12 September; Foonoweh. Again, these were also all concluded under treaty form five.²⁷⁶

The last sets of treaties were concluded with the Ofunobiri and Egbematoro settlements on 8 and 30 July 1889 respectively, but under Treaty Form Nine. This form was not significantly different from Forms One and Five other than bearing the name Royal Niger Company as against the others which carried the old pre-charter name of the Company. Its clauses were much similar to the others as follows:

Treaty made on the day of, 18...., between the Chiefs of on the one hand, and the Royal Niger Company (Chartered and Limited), hereinafter called “the Company,” on the other hand.

We, the undersigned Chiefs of, with the consent of our people, and with the view of bettering their condition, do this day cede to the company, and to their assigns, forever, the whole of our territory; but the Company shall pay private owners a reasonable amount for any portion of land that the Company may require from time to time.

²⁷⁶ TNA, F. O. 881/6425.

We hereby give to the Company and their assigns, forever, full jurisdiction of every kind; and we pledge ourselves not to enter into any war with other tribes without the sanction of the Company.

We also give to the Company and their assigns, forever, the sole right to mine in our territory.

In consideration of the foregoing, the Company bind themselves not to interfere with any of the native laws or customs of the country, except so far as may be necessary for good government and the maintenance of order.

The Company bind themselves to protect, as far as practicable, the said Chiefs from the attacks of any neighbouring aggressive tribes

In consideration of the above, the Company have this day paid the said Chiefs of goods to the value of, receipt of which is hereby acknowledged.

This agreement having been interpreted to us, the above mentioned Chiefs of, we hereby approve, and accept it for ourselves and for our people with their consent, and, in testimony of this, having no knowledge of writing, do affix our marks below it, and I,, for and on behalf of the Company, do hereby affix my hand.

We, the undersigned witnesses, do hereby solemnly declare that the Chiefs whose names are placed opposite their respective marks have in our presence affixed their marks of their own free will and consent, and the said has, in our presence, affixed his signature.

(Signed).....

For the Royal Niger Company (Chartered and Limited)

Declaration by Interpreter

I... native of do hereby solemnly declare that I am well acquainted with thelanguage, and that on the day of, 18....., I truly faithfully explained the above agreement to all the native signatories whose marks are affixed to this Treaty, and that they understood its meaning.

Witness to the above ... mark signature:

Done in triplicate at ..., this ... day of 18....

On the whole, the peaceful treaty-making process between the Western Ijo and the Company set the stage for further developments in Great Britain's relations with the people after the Berlin Conference. As indicated, the treaty-making process was a long one, but what followed on the part of the Company and the imperial power were predicated on the inherent

clauses and provisions in the treaties which empowered Great Britain to consolidate on its hold on the Western Ijo territories.

5.4 British Consolidation

The change from the slave trade to palm oil trade translated to a greater presence and influence of Great Britain and her agents in the territories of the Western Ijo by the nineteenth century. As Martin Lynn has pointed out, during most of the nineteenth century, the palm oil trade constituted the catalyst that defined the relationship between Great Britain and West Africa, so much so that from 1807 when the slave trade was abolished, up to the end of the century and beyond, the emergent palm oil trade impacted majorly not only on the internal politics and economy of the indigenous states and peoples, but also on the direction and increased development of British imperialism.²⁷⁷ This increased growth in British push into Western Ijo territories, as they did in the cases of the Itsekiri and Urhobo discussed in chapters four and five, crystallized in a greater involvement of Great Britain and her officials and agents in the affairs of the people.

So, ultimately, for the Western Ijo, the final outcome was the incorporation of the Ijo areas into the British Empire, beginning with the treaty-making activities of the National African Company in 1884. By the time of its Charter in 1886, the RNC through the powers conferred on it by the Charter found it easy to conclude further treaties with the Chiefs and peoples of other Ijo territories who inadvertently placed their domains under the protection of the Company, a company acting to all intents and purposes on behalf of the British Crown. With the concluded treaties, the RNC was able to assume control of the political and

²⁷⁷ Martin Lynn, 'Change and Continuity in the British Palm Oil Trade with West Africa, 1830-55,' *Journal of African History*, Vol. 22, No. 3, 1981, P. 331; Cherry Gertzel, 'Relations between African and European Traders in the Niger Delta, 1880 – 1896,' *Journal of African History*, Vol. 3, No. 2, 1962.

economic dynamics of the territories of the Niger Basin under its jurisdiction, and consequently made economic gains in large measures from the palm oil trade up to 1899 when its Charter was revoked by the British government. What is of utmost importance here is that the RNC played a pivotal role in bringing about the Western Ijo areas eventually under British colonisation through its industrious treaty-making enterprise with the indigenous peoples.

An analysis of all the treaties concluded with the Ijo of the Western Delta reveals some discernible operative words in relation to the theme of peaceful treaty diplomacy as a central instrument employed by Great Britain in incorporating these areas systematically into her imperial domain. These are, 'we, the undersigned Chiefs...cede to the Company the whole of our territory, forever.' It is doubtful if the said Chiefs truly understood the full import of these words before putting their marks on the treaties. But, in extracting these treaties from the indigenous chiefs, the Company and its agents must have felt they were acting legally and within the context of nineteenth century European international law, a process that was witnessed by local interpreters, who swore that they were well acquainted with the language of the natives and had fully explained the terms of the treaties to them. Thus, what was done was time tested colonisation process, one of treaty-making towards both appropriation of territory and gaining of political and sovereign rights over others. It was a practice that was considered as fixed and traditionally European carried forward from earlier times and applied in the age of empire.

As indicated earlier, at the Berlin Conference, Great Britain was recognized as the power of influence in the Niger Basin. Thus, it became the duty of Great Britain to enforce the principles of free navigation and commerce enunciated at Berlin. To do so ultimately

warranted a greater control of the areas with which treaties had been concluded. Thus, effective occupation necessitated a need to also establish and maintain sufficient authority for peace and governance in the acquired territories.²⁷⁸ To conform to the foregoing understanding at Berlin, Great Britain notified the other powers of her various protectorates which she had acquired through treaties on the Niger territories. As such, in 18 October, 1887, the FO duly released a notification in the *London Gazette* announcing the annexation of various territories, including the Western Ijo areas, which have all now been subjected under Her Majesty's protection, by virtue of the concluded treaties with indigenous leadership.²⁷⁹ Note that a similar notification was inserted in the same *London Gazette* of 5 June 1885, proclaiming a British Protectorate, following the conclusion of the Berlin Conference and based on the treaties concluded with the Itsekiri as indicated in chapter five. Both instances clearly underscore the importance of treaties in the colonisation process, and more importantly, the use of treaties, obtained mainly through peaceful means further underscores the colonisation process as mainly devoid of force.

By and large, the claims and sovereignty rights of Great Britain over the territories of the Western Ijo areas were based entirely on treaty rights, obtained from the indigenous chiefs, who in principle gave their voluntary consent when they affixed their marks to the treaties.²⁸⁰ Whether these treaties were obtained under questionable manners is impossible to

²⁷⁸ Article XXXIV of the Berlin Act stipulated that imperial powers should notify others to justify claim to right of possession, while Article XXXV of the Berlin Act addressed the effective occupation policy. See, *The Times*, 'The West African Conference,' 17, and 21, November 1884; R. J. Garvin and J. A. Betley (Eds), *The Scramble for Africa: Documents on the Berlin West African Conference and Related Subjects, 1884-1885* (Ibadan: University Press, 1973); S. E. Crowe, *The Berlin West African Conference 1884-1885* (London: Longman, 1942); F. L. Israel (Ed), *Major Peace Treaties of Modern History 1648-1967* (New York: McGraw-Hill, 1967).

²⁷⁹ *The London Gazette*, 'Notification: The British Protectorate of the Niger Districts', Foreign Office, 18 October 1887, P. 5597; See Hertslet's *Map of Africa by Treaty*, P. 445.

²⁸⁰ In a memorandum to the Foreign Office, Sir Edward Hertslet offered his opinion on how best to effectively occupy territory. See TNA, F. O. 403/46/41, Memo by Sir E. Hertslet on the Formalities Necessary for the Effective Annexation of Territory, 18 October 1884.

determine from the records available, although, one is not oblivious of typical British treaty-making episodes in other parts of the world as discussed in chapter three. However, the concern here is that, in the course of the European partition of Africa, territorial titles through concluded treaties played a significant role in the subjugation and annexation of the territories of indigenous peoples. Importantly, contained in these treaties were far-reaching clauses and provisions which invariably implied surrender of political and sovereign rights and territories on the part of the indigenes to the imperial powers. The operative words in the treaties as pointed out earlier attests to this point.

In places where the imperial power had concluded treaties, usually, the next step was the establishment of some form of administration as demanded by Article XXXV of the Berlin Act. In the case of the RNC, by the provisions of its Charter, it had responsibility to maintain law and order in its territories. Consequently, the Company established administrative machineries to coordinate its commercial and governance activities in its vast territory. On the commercial side, matters of revenue, customs duties and import and export controls were introduced, which invariably turned the Company to a monopolistic concern. This commercial strategy worked out well for the Company up to the revocation of its Charter in 1899, and its success was underpinned by an administrative system overseen by its Agent-General. The Company's formal administrative structures were made up of its office headquarters at Asaba, at which the Agent General of the Company operated from. A judicial arm had jurisdiction over civil and criminal matters in the territories that had been subsumed under the authority of the Company through the concluded treaties. A constabulary force, supported by a fleet of more than twenty vessels was also established, pursuant to enforcement of treaty terms and protection of the Company's properties and personnel.

Essentially, the company functioned according to regulations determined at its headquarters in London, where the Company's Board of Directors, or Council, chaired then by Lord Aberdare and with Goldie as Vice-Chairman and de facto Chief Executive Officer, served as the ultimate authority, just as a Governor would in other protectorates.²⁸¹

However, on the spot in the Niger, correspondence between the company and its headquarters in London revealed that different officials were responsible for making and taking decisions, but that such officials appropriately reported to the Agent General for the whole territories of the company. The situation was such that, there was a commandant in charge of the discipline and efficiency of the Company's Constabulary, while a judge looked after all judicial matters at Asaba. District Agents and assistants oversaw the various districts in which the Company's territory was divided into for day to day administration. In this vein, each District Agent had complete executive powers within his District but took instructions from the Company's Agent General. The District Agents also controlled the constabulary in their domains, except only when the overall commandant of the force assumed direct control if need be. The judicial functions of the District Agents involved hearing and deciding cases at their domains, but once a matter involved a criminal case, a foreigner and an amount exceeding fifty pounds, it was referred to the Supreme Court at Asaba, though not before the District Agent had conducted preliminary investigations.²⁸²

G. L. Baker has noted that, in all its time on the Niger territories, the Company had only two substantive Agents General, in the persons of David McIntosh, who served from

²⁸¹ W. N. M Geary, *Nigeria Under British Rule* (London: Frank Cass and Co Ltd, 1965); 'The Royal Niger Company, Chartered and Limited,' *West Africa*, Oct. 9, 1920.

²⁸² The various correspondences between the Company and its headquarters in London from 1885 to 1898 outlining the setting up of, regulations, and running of the administration of the Company's territories under the Charter provisions are contained in TNA, F. O. 403 Niger Territories series (Various Parts), Niger Territories.

1885 to 1888. The second was Joseph Flint, who succeeded McIntosh on 15 November 1888. He served up to and through the year of the revocation of the Company's Charter in 1899, and subsequently handed over to the British Government on 1 January 1900. All others, whose names feature in documents as Agent General took on the duty as acting agents as a result of the Company's policy of propping up Senior Executive Officers designated to act on behalf of the Agent General in given situations.²⁸³ This was why names of others other than McIntosh and Flint appeared in some of treaties with the Ijo of the Western Delta.

5.5 Chapter Summary

This chapter examined how Great Britain colonised the indigenous Ijo groups of the Western Delta. It found that, even though there was a solitary case of gun-boat diplomacy, the process overall was mostly peaceful, achieved through treaties as against wide use of force of arms or threat of its use. The chapter opened with an examination of the early history of the people, in the process, identifying the various groups that constituted the Western Ijo, their location and settlement patterns within the estuaries of the Escravos and Forcados Rivers, as well as along the right and left banks of the Forcados up to Patani. In all, fifteen Clans were identified as making up the group, which all trace origin mostly from their kith and kin in the Central Delta, and remains also culturally and linguistically not fundamentally different from the other Ijo groups who occupy the bulk of the Niger Basin.

The chapter realized that the social and political system of the Western Ijo in comparative terms with the Ijo of the Eastern Delta was quite different. Whereas in the Eastern Delta the city-state system prevailed, the unit of political organization in the Western Delta was the compound and village assembly. This non-centralized character of governance

²⁸³ G. L. Baker, 'Research Notes on the Royal Niger Company – Its Predecessors and Successors,' *Journal of the Historical Society of Nigeria*, Vol. 2, No. 1, 1960.

in the Western Delta developed institutions of state identified as the town/village assembly (Council) – *Amagula*, the oldest man – *Ama-Okosowei*, spokesman – *Ogulasuowei*, priest – *Orukareowei*, and chief priest of the Clan – *Oru-Pere*, which together, coordinated both social and political governance of the Western Ijo settlements. The high level of the involvement of ordinary folks in governance created, greater and individual participation which was induced more by a lack of a centralized kingship figure head which would otherwise have affected differently the emergent economic and political relations with the Europeans beginning from the fifteenth century. In the event, the autonomous settlement patterns of the Western Ijo engendered a system of independent settlements acting devoid of central control both in the slave trade and palm oil trade eras in relation to their neighbours and to the Europeans in general. Thus, unlike their Itsekiri neighbours, the Western Ijo could not fashion out and sustain a coordinated control of trade. So that, their activities were limited mostly to raiding and carrying businesses, which invariably earned them the sobriquet, pirates and plunderers in most European accounts.

However, by the palm oil trade era, a few Western Ijo settlements emerged as trade hubs, with Patani at the headwaters of the Forcados turning out as most prominent, housing a station of the Niger Company. From here, the Company traded palm oil from the Isoko and Ukwuani hinterlands. Other Ijo groups engaged more in the business of carrying palm oil from the hinterland Urhobo and Isoko producing areas to the trading stations at Burutu, Forcados, Ganagana and Frukama. Nevertheless, as the imperial interests of Europeans intensified in the late nineteenth century, the Western Ijo like the Itsekiri and the Urhobo found themselves at the mercy and machinations of Great Britain, which desired to gain more access into the hinterland regions of the Niger Basin. In this case, the move from informal

empire to formal control was achieved mainly through the conclusion of treaties, which were used as a first step towards pacifying the people and eventually as justification for the legal and political proclamation of protectorates over the indigenous peoples and their territories.

Evidence shows that no entity was more instrumental in bringing about the Western Ijo areas under the eventual control of Great Britain than the Royal Niger Company (RNC), which began its trading activities in 1879 as the United African Company. By 1882, it had metamorphosed into the National African Company having bought over other trade interests in the Niger Basin on the strength of its then very enterprising head, Sir George Goldie. Imbued with a desire for imperial acquisition of the Niger territories for Great Britain, Goldie embarked on a treaty-making endeavour with indigenous leadership of the Niger areas years before even the Charter of his Company was approved. This treaty-making enterprise turned out first as a bulwark against French and German rivals, but most importantly, as instruments for the validation of British claims over the Niger areas at the Berlin Conference on West Africa. To all intents and purposes, the RNC through its treaties with the indigenous people in which they placed their territories under British protection, succeeded in consolidating British Colonial interests in the Niger Basin, and subsequently, in the creation of the Colony of Nigeria in 1914. There is no gainsaying in the fact that, the Company served the ends of Great Britain, as its principal agent in its imperial machinations on the Niger. Indeed, the eventual granting of the Charter to the Company in 1886, rationalized the sole objective of the British Government to achieve its grand designs through the Company. By 1899, when its Charter was revoked, evidently because it became impossible for a chartered company to hold its own against the state supported protectorates of rival European powers such as France and Germany, the ceded territories which the company had controlled through

peaceful treaty-making, though for a relatively short time, were nevertheless, easily transferred to the Niger Coast Protectorate and later the Protectorate of Southern Nigeria in 1900. This transition was easily achieved ostensibly on the strength of the concluded treaties which had earlier effectively placed the indigenous territories under the Company's jurisdiction, a company which acted on behalf of Great Britain, the eventual beneficiary of the efforts of the Royal Niger Company.

Chapter Six: The Urhobo Welcomes British Officials

The ground is high and though covered with forest could be easily cleared. The people of Sapele informed me that if I would come and build there, they would clear as much ground as I wished.²⁸⁴

Introduction

As discussed in chapter four, the main differences between the British and Nana stemmed from British desires to expand into the hinterlands, a move Nana regarded as a displacement of his role as middleman in the palm oil trade. This chapter explores how, from 1891, the British began to gradually engage directly with the Urhobo areas, first through Vice-Consul Gallwey's tour of Urhobo country along the Ethiope River, in which he (Gallwey) identified the Urhobo town of Sapele as a suitable site for his Consular headquarters.²⁸⁵ Apart from making headways into Urhoboland, and the cutting off of Nana, the British also inaugurated the Oil Rivers Protectorate in 1891, on paper incorporating not only Itsekiriland into it but also adjoining territories, while the Benin River and New Warri areas were established as vice-consulates.²⁸⁶ As was the case with the proclamation of the Niger Districts, the British proclaimed the Oil Rivers Protectorate through the FO in the *London Gazette* of 1 January, 1891, in which the Queen, appointed Major Claude Maxwell MacDonald as Commissioner and Consul-General for the Oil Rivers Protectorate and as the Queen's Consul in the Island

²⁸⁴ TNA, F.O. 84/2111, Macdonald's dispatch to the Marquis of Salisbury, No. 30, 12 December 1891, Pp. 471-72.

²⁸⁵ TNA, F.O. 84/2111, Macdonald to Under Secretary of State, 12 Nov. 1891; F.O. 84/2194, Macdonald to Under Secretary of State, 9 March 1893, enclosed, Gallwey's report on his trips. H. L. Gallwey was seconded as Vice Consul, Oil Rivers Protectorate on 4 July 1891. See *The London Gazette*, 21 July 1891, P. 3827.

²⁸⁶ Lloyd, P. C, 'The Itsekiri in the Nineteenth Century: An Outline Social History,' *Journal of African History*, Vol. IV, No. 2, 1963.

of Fernando Po.²⁸⁷ Subsequently, Consul Macdonald visited Sapele in November 1891 where he was warmly welcomed by the Urhobo of the area.²⁸⁸ Thus, in Great Britain's expansion into the hinterlands beyond the coast of the Western Delta, Macdonald and Gallwey as demonstrated were the key men on the spot, driving the imperial process.

After the Berlin Conference of 1884/85, the accelerated actions of the various European powers to acquire territories in Africa ensured that for Great Britain, the Urhobo territories, useful for its oil palm, should be explored, pacified and ultimately controlled. This chapter shows how a combination of soft-power approach by the British, and not violence, led to the gradual colonisation of Urhoboland. Once again, official visits treaty-making and diplomacy by local bridgeheads were central to colonisation. This is not to suggest that violence did not occur, but that instances of such cannot be taken as the main driver of the colonisation process as a whole.

In their thrust into the hinterlands, officials of Great Britain were guided largely by a need to bypass the middleman Itsekiri merchant trader Chief Nana, who as has been discussed in chapter five enjoyed control of the oil palm trade with the interior. Thus, imbued with a desire to, know more about the people and to develop commercial ties with them directly, the British commissioned visits into the Urhobo areas, mapping and marking out its geography, peoples and resources as a form of cultural project. In this endeavour, as the epithet above reveals, the Urhobo too were very much enthusiastic about British presence in their domain as expressed in the willingness of the Urhobo of Sapele to offer not only land to

²⁸⁷ The *London Gazette*, 18 October 1887, P. 5597.

²⁸⁸ TNA, F.O. 84/2111, Macdonald's dispatch to the Marquis of Salisbury, No. 30, 12 December 1891, Pp. 471-72.

Claude Macdonald, but also to clear the bush and prepare such land for officials of Great Britain to settle in.

Though, there is no evidence from local Nigerian sources to explain why the Urhobo were willing to work with the British, it seems likely that the Urhobo were equally happy to cut out middle men who kept most of the profits for themselves. This could bring better prices for their palm oil, at least initially.²⁸⁹ This also helped them from being perpetually under the shadow of Nana, the Itsekiri Chief politically. While the Urhobo were never involved directly in the earlier slave trade, except as victims (often of the Itsekiri), the palm oil trade, a product which their territories bore in abundance, created massive opportunities for them and a chance to circumnavigate the dominance of their coastal neighbours.

As indicated in chapter four, in the era of the palm oil trade, Nana exercised influence on the process and dynamics of trading activities from his domain at Ebrohimi, with his influence reaching as far as the Urhobo palm oil markets of Abrakar. Nana's intransigence in disturbing the flow of trade consequently drew reactions from both the British and the Urhobo alike, with the former employing military measures to contain his excesses, while the Urhobo on their part withheld supply of palm oil to the coast through Nana's territory, a demonstration of their unhappiness with the prevailing arrangements and perhaps a mark of their willingness to deal directly with the officials of Great Britain. Thus, within the wider context of the Scramble literature, this welcoming attitude of the Sapele Urhobo conforms to Robinson and Gallagher's African agency theory that, in some instances, internal political and economic changes in indigenous societies propelled the people to collaborate with the

²⁸⁹ Peter Ekeh, (Ed), *History of the Urhobo People of Niger Delta* (New York: Urhobo Historical Society, 2007).

Europeans in their own subjugation.²⁹⁰ In other words, in this instance of the Urhobo, their desire to gain direct economic benefits from the palm oil trade triggered closer ties with the British and hence aiding in their ultimate subjugation. The British did not need to use violence. However, in the general historiographies of the events in the Delta by historians of Nigeria, the standard narrative often emphasises the violent sacking of chief Nana to the exclusion of other events.²⁹¹ But, as demonstrated from the evidence, this was not the case in Urhoboland. The sacking of Nana was in 1894, while Great Britain's push into Urhoboland began from 1891 and culminated in the first treaty with the Abrakar in 1892. Therefore, to relate the event of the sacking of Nana as the trigger for British penetration into Urhobo territories is ahistorical. Furthermore, such scholarly interpretations ignore the fact that Nana did not exercise control over the Urhobo other than through commercial links, so British relations with the Urhobo should be treated as a separate process of colonisation.

The conditions of Great Britain's push into Urhobo areas should be considered more within the context of British sensitivities to the area as a strategic oil palm producing area, an area which the official mind in London valued and coveted economically. In this vein, Britain established a Vice Consulate at Sapele, an Urhobo settlement in 1892. From then, a good two years before Nana's downfall, the British presence in Urhobo land took root, through numerous treaty-making episodes and the establishment of political and judicial institutions, which to all intents and purposes subsumed the Urhobo under British control.

²⁹⁰ Robinson, R. & J. Gallagher, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan, 1961).

²⁹¹ Obaro Ikime, *The Fall of Nigeria The British Conquest* (London: Heinemann, 1977); *Niger Delta Rivalry: Itsekiri-Urhobo Relations and the European Presence 1884-1936* (London: Longman, 1969); A. E. Afigbo, 'Sir Ralph Moor and the Economic Development of Southern Nigeria: 1896 – 1903,' *Journal of the Historical Society of Nigeria*, Vol, 5, No. 3, 1970.

Thus, in line with the general theme of this dissertation, this chapter indicates that Great Britain's colonisation of Urhoboland was more by means of treaty diplomacy and not by force of arms. To demonstrate this, the chapter examined first, the early history and socio-political structures of the Urhobo, their encounters with the agents of Great Britain, and the treaty-making episodes between the indigenous chiefs and officials of Great Britain. The roles of British officials on ground and indigenous agency in the encounter process are also highlighted as a testament to the central narrative of a less violent colonisation process.

6.1 Precolonial Foundations of the Urhobo

Unlike the Itsekiri, the Urhobo did not develop a centralized socio-political structure that enveloped and controlled the whole of their territories. Rather, precolonial Urhobo socio-political system was heterogeneous and characterized along small, independent clans, each with its own leadership. This fragmented clan structure, revolved around an association of settlements that claim common descent from an eponymous ancestor. As H. L. Gallwey, the first British official to reach Urhobo country rightly identified in his survey of the Benin and Urhobo areas in 1891, they recognize no common head, the country being divided among a number of Chiefs.²⁹² The people call themselves 'Urhobo' (not to be confused with the larger and better known Yoruba of Western Nigeria), but the dominant European nomenclature of them appears to have originated from a Portuguese explorer, Duarte Pacheco Pereira, who explored the Forcados River (Rio Dos Forcados), and wrote that, 'farther in the interior is another country called the *Subou*, which is densely populated.'²⁹³ This characterization of the

²⁹² H. L. Gallwey, 'Journeys in the Benin Country, West Africa,' *The Geographical Journal*, Vol. 1. No. 2, 1893, P. 127. Gallwey's and other accounts by the agents of Great Britain are treated as primary sources in this study as they remain essentially ethnographic surveys of the indigenous peoples and contemporaneous with the scope of this dissertation.

²⁹³ Duarte Pacheco Pereira, *Esmeralda De Situ Orbis* (1533), Translated and Edited by George H.T. Kimble (London: Hakluyt Society, 1937, P. 129).

Urhobo by Pereira has been extended variously in subsequent European accounts as *Subou*, *Subo*, *Sooba*, *Uzobo*, *Issobo*, *Usobo*, and *Sobo*.²⁹⁴ The Urhobo language belongs to the 'Edoid' group of Niger Delta language cluster. This makes it closer to the Bini (Benin) language, but culturally, they share traits and affinity with other neighbouring groups, particularly with the Isoko.²⁹⁵

Urhobo origin myths refer to four legends. The first speaks of the Benin kingdom, which the Urhobo call 'Aka,' as a place of early origin. The other three versions, made popular by J. W. Hubbard in his book on the people, refer to origins from the Isoko settlement of Erowha and from Ijo on the coasts and the Ibo areas, east of the Niger River.²⁹⁶ It is generally believed that the Urhobo had settled in their abode long before the arrival of the first Europeans to the Niger Delta.²⁹⁷ Urhoboland is the heartland of the Western Delta, and is mainly dry and flat, but with the Ethiope River running from the Benin River into its hinterland. It is an evergreen tropical rain forest terrain which sustained the palm trees that produced the oil palm, the main commodity of the forest products trade with the Europeans, a trade which set the tone for Urhobo-British encounters in the late nineteenth century.²⁹⁸

²⁹⁴ For instance, in his 1948 work on the history and languages of the people, J. W. Hubbard titled it '*The Sobo of the Niger Delta*.' Similarly, in 1890, Sir Alfred Moloney, the then Governor of Lagos, while speaking to a London audience about the indigenous groups of the Niger Delta referred to them as Issobos or Sobos. See, Sir Alfred Moloney 'Notes on Yoruba and the Colony and Protectorate of Lagos, West Africa.' *Journal of the Royal Geographical Society*, Vol. XII, No. 10, 1890, pp. 596-614.

²⁹⁵ Ekeh, Peter, *Studies in Urhobo Culture* (Buffalo, New York: Urhobo Historical Society, 2005); R. E. Bradbury, *The Benin Kingdom and the Edo-Speaking Peoples of South-Western Nigeria* (London: International African Institute, 1957).

²⁹⁶ J. W. Hubbard, *The Sobo of the Niger Delta* (Zaria: Gaskiya Corporation, 1948).

²⁹⁷ P. A. Talbot, *The Peoples of Southern Nigeria: A Sketch of their History, Ethnology and Languages* (London: Oxford University Press, 1926).

²⁹⁸ A. Salubi, 'The Establishment of British Administration in the Urhobo Country (1891-1913)' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 3, 1958.

Urhobo political system revolved around the clan as the dominant state structure. As has been noted, a clan is made up of groups of associated communities and settlements that share and recall common descent and origin. Kinship ties dictated relationships between and amongst Urhobo settlements, so that in the absence of a central monarchical institution for the whole group, various autonomous political clans closely related in language constituted the Urhobo country. R.E. Bradbury has identified in total 18 Urhobo clans and chiefdoms as: Agbarho, Ujevbe, Udu, Evbreni, Olomu, Ewu, Arhavbarien, Okparabe, Ughele, Agbarha, Ogo, Orogun, Agbon, Abraka, Okpe-Urhobo, Uvbie, Oghara, and Idjerhe (Jesse).²⁹⁹ Under these Clans are numerous settlements of villages and hamlets.

²⁹⁹ R. E. Bradbury, 'The Urhobo and Isoko of the Niger Delta,' in Daryll Forde (Ed), *Ethnographic Survey of Africa: West Africa Part XIII* (London: International African Institute, 1957). A. Salubi identified 16 autonomous Clans. See A. Salubi, 'The Establishment of British Administration in the Urhobo Country (1891-1913)' *Journal of the Historical Society of Nigeria*, Vol. 1, No. 3, P. 184.

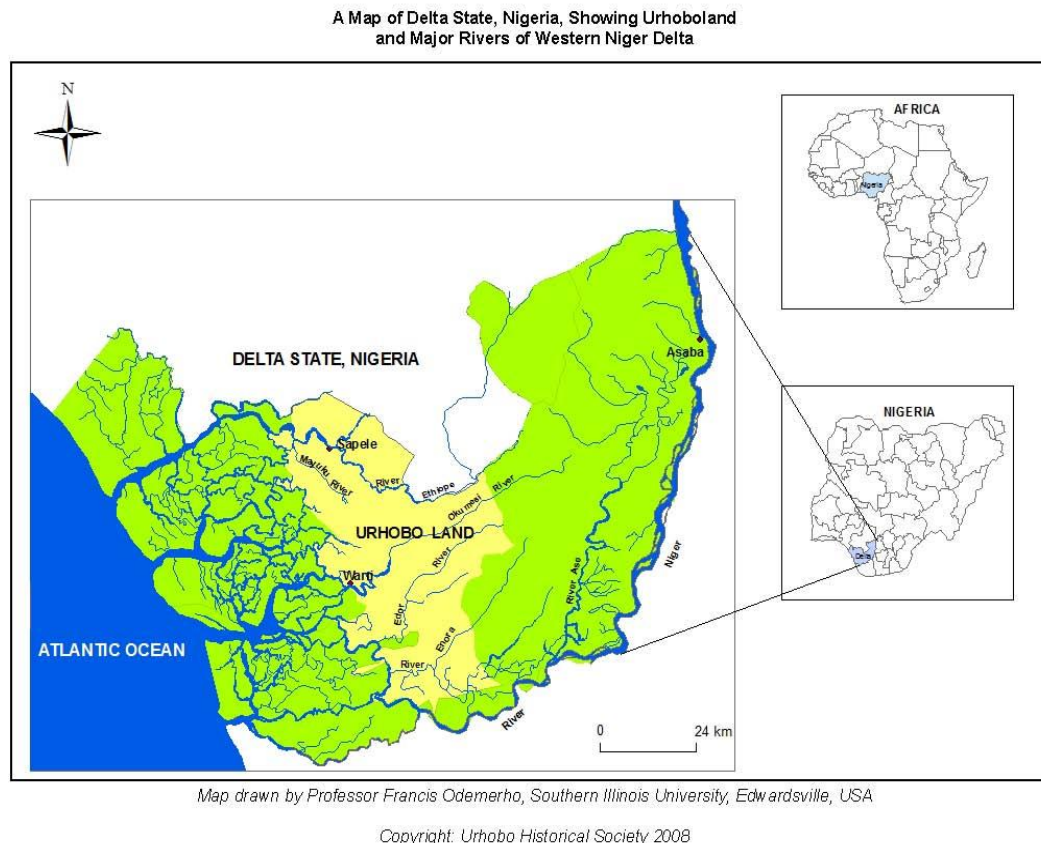


Figure 8. Map showing Urhoboland³⁰⁰

This background on the precolonial foundations of the Urhobo deepens historians understanding of the character of indigenous political and social structures which, ultimately interacted with officials of Great Britain during colonisation. The sets of beliefs, attitudes and sentiments which defined the people need to be understood and related to the encounter process with officials and agents of Great Britain. This is especially true of their political system, which was probably the best documented aspect of Urhobo culture by later scholars. From this literature, it seems that precolonial Urhobo political, administration, and governance was a gerontocracy mixed with titled chiefs, different associations of age grades,

³⁰⁰ Peter Ekeh, Urhobo Historical Society, available from <http://www.waado.org>.

and priesthood cults wielding political authority for the overall maintenance of law and order in the land. However, in some cases kingship (Ovie – King), vested in particular groups was noticeable, with such exercising their authority through a Council of titled Chiefs. At some time in the past, some Urhobo kingships were tributary to the Benin monarch who invested legitimacy and authority on them. Thus, like the Ukwuani described in chapter eight, these precolonial Urhobo were under some form of Benin Suzerainty. However, by the age of empire, Benin overlordship over any Urhobo chiefdom had regressed considerably, so that, when the Urhobo had contact with the British, they did so as politically independent groups, free from any external local imperial control. Generally, the pattern of indigenous authority in Urhoboland varied from one settlement to the other, so that it is not possible to refer to a single style of administration for the whole.³⁰¹ This decentralization of Urhobo socio-political system characterized the way and manner Great Britain's relations with the various groups evolved in respect of treaty-making as the chapter demonstrates hereafter.

6.2 Urhobo Encounters with Officials of Great Britain

In the Western Delta, before 1891 when Vice Consul Gallwey³⁰² visited the Urhobo settlement of Sapele, European traders were excluded from having direct contact with the interior, as middlemen like the Itsekiri Chief, Nana, ensured that the statusquo remained to his advantage. Early efforts by John Beecroft in the 1840s and Richard Francis Burton in the 1860s to navigate into the Urhobo hinterland to map out and glean information on the people

³⁰¹ R. E. Bradbury, *The Urhobo and Isoko*, p. 144.

³⁰² H. L. Gallwey was the first Vice-Consul of the Benin River, and was the first British to visit the Urhobo hinterland, where he held meetings with the natives. See TNA, F.O. 84/2111, Capt. H. L. Gallwey, Report on Visit to the Sobo and Abrakar Markets, 3, Nov. 1891.

as part of Intel-gathering, represent initial attempts at contacts between British officials and the Urhobo on the River Ethiope,³⁰³ but this did not translate to direct dealings.

After the Berlin Conference of 1884/85, trading companies and consuls on the Delta did not hide their desires to push further into the hinterlands to engage in direct trade with the palm oil producers. Thus, guided by the rule of effective occupation from the Berlin Conference and in a bid to forestall French inroads in the Delta officials of Great Britain accelerated empire-building through contact and treaty-making episodes with indigenous groups.³⁰⁴

Amongst the groups in this study, the Urhobo, Isoko and the Ukwuani were the producers of palm oil, with the Urhobo preeminent in the supply through the Itsekiri to the Europeans at the coast. As has been noted, the Urhobo area is inundated with evergreen forests and wild palm trees, so that over the years, the people were able to develop competence and skill in harvesting the palm fruits from the trees and processing it through indigenous technology into finished palm oil.³⁰⁵ Thus, it was the Urhobo, with their palm oil, who fueled the trade with the Europeans in which the Itsekiri merchants emerged as the principal go-between, due to their advantageous coastal location, in the process bestowing on them, wealth and power. It was this position which set out the Itsekiri Chief, Nana's problems with the British, for in a bid to maintain and enjoy his middleman position in the oil

³⁰³ It was Beecroft who gave the name to the southern branch of the Benin River which runs into the Urhobo territory "Ethiope", named after the water craft which he used on the expedition, and belonging to Robert Jamieson, a Glasgow merchant with sizeable trading interests then in the Niger Basin.

³⁰⁴ TNA, F.O. 84/1814, Papers relating to the Congo (West African Conference), Vol. 14, October-November, 1884; Official Supplement, 'General Act of the Berlin Conference Concerning the Congo,' *The American Journal of International Law*, Vol. 3, No. 1, 1909.

³⁰⁵ R. K. Granville, and F. N. Roth, 'Notes on the Jekris, Sobos and Ijos of the Warri District of the Niger Coast Protectorate,' *The Journal of the Anthropological Institute of Great Britain and Ireland*, Vol. 28, Nos. 1 & 2, 1899, Pp. 118-119.

palm trade, he disrupted trade at a time the British were resolved to have links and trade directly with the Urhobo and open up their territory for pacification and eventual control. By 1891 when the Oil Rivers Protectorate was proclaimed, officials of Great Britain were in the process of carrying forward the consolidation of both trade and imperial control into the hinterland territories.

In this move to extend and consolidate formal control, Claude Macdonald and H. L. Gallwey emerged as the bridgeheads shaping and directing the imperial enterprise. Macdonald succeeded to the Consul Generalship and Commissioner of the Oil Rivers Protectorate in March 1891.³⁰⁶ He had a varied career as a soldier and administrator, serving in the Egyptian campaign of 1882, and by 1887 was consul-general at Zanzibar. His links with West Africa began in 1889 when, he was sent by the Foreign Office to Berlin to streamline and delimit the frontier between the Oil Rivers and the Cameroons.³⁰⁷ No doubt, his time in Zanzibar proved an excellent choice in his appointment to the Oil Rivers, for as A. E. Afigbo has noted, Macdonald operated a flexible policy of engagement and made early efforts upon his arrival in the Niger Delta to extend British influence through peaceful diplomacy by concluding treaties and courting the friendship of indigenous leaders.³⁰⁸ He later served as a British diplomat in China and Japan after his time as consul in the Delta.³⁰⁹ His appointment also reflects the ambiguous ways that Europeans viewed the indigenous peoples and leadership. On the one hand, indigenous leaders were recognized as foreign powers, entitled to the same FO system of contact, trade and diplomatic negotiations

³⁰⁶ *The London Gazette*, 27 March 1891.

³⁰⁷ E. W. Edwards, 'Macdonald, Sir Claude Maxwell (1852-1915),' *Oxford Dictionary of National Biography* (Oxford: University Press, 2004).

³⁰⁸ A. E. Afigbo, 'The Consolidation of British Imperial Administration in Nigeria 1900-1918,' *Civilizations*, Vol. 21, No. 4, 1971.

³⁰⁹ M. H. Wilgus, *Sir Claude MacDonald, the open door, and British informal empire in China 1895-1900* (New York: Garland Publishing, Inc., 1987).

as practiced in other parts of the world. At the same time, clearly, racial assumptions, and positivist influenced legal constructs about the indigenous peoples permeated his involvement in the region and dealings with the peoples, especially in the treaty-making episodes with them.

H. L. Gallwey was a Sandhurst trained army officer who, from 1882 to 1889 was aide-de-camp to the British Governors of Bermuda, and so was familiar with the colonisation enterprise. In 1891, he became the deputy commissioner and vice-consul of the Benin River under Macdonald. In his long imperial career, he went on to serve in various colonies, as governor in St Helena, in the Gambia and finally in Australia, illustrating how, while not yet formally colonized, his mission to Urhoboland was an imperial one.³¹⁰ He is described in existing scholarship as a man who relished punitive expeditions and loathed indigenous fetishism, yet, under Macdonald, Gallwey championed and led the visit to the Urhobo areas as a way of knowing more about the people and its land, demonstrating a capacity for utilizing colonial knowledge, and the exercise of soft power, which standard historiography has not recognised.³¹¹

Great Britain's contact with the Urhobo was a development local people also craved, given their experiences with Nana, the Itsekiri merchant. This had prompted them to resort to a boycott of supplying palm oil through the Itsekiri to European merchants at the coast by 1891.³¹² Urhobo craving for direct links with officials of Great Britain also played out in

³¹⁰ P. A. Howell, 'Galway, Sir Henry Lionel (1859-1949),' *Australian Dictionary of Biography*, Vol. 8, 1981; Philip Gosse, *St Helena 1502-1938* (London: Cassell, 1938).

³¹¹ H. L. Gallwey, 'Journeys in the Benin Country, West Africa,' *The Geographical Journal*, Vol. 1, No. 2, 1893.

³¹² In January 1891, the Niger Districts were renamed the Oil Rivers Protectorate, with Major Claude Maxwell MacDonald appointed by Her Majesty as Commissioner and Consul General. See, *The London Gazette*, 27 March 1891, Pp. 1776; For Urhobo – Itsekiri trade relations, see, Peter Ekeh, (Ed) *History of the Urhobo People of the Niger Delta* (New York: Urhobo Historical Society, 2007).

Consul Macdonald's visit to Sapele. When in November 1891 Macdonald, inspected the site at Sapele recommended by Gallwey for the Vice-Consulate, the Urhobo people of Sapele eagerly and enthusiastically received the British party, assuring it of their support. In the words of Macdonald in his report to the Under Secretary of State for Foreign Affairs, he wrote that 'the ground is high and though covered with forest could be easily cleared. The people of Sapele informed me that if I would come and build there, they would clear as much ground as I wished.'³¹³ Consequently, MacDonald approved Sapele as a Vice-Consulate; with apparent local support, given that the people were happy to have British presence in their territory rather than Nana's influence. A barracks and constabulary posts were also designated to be sited at Sapele, and a hulk – the *Hindustan*, was towed in through the Ethiope River to serve as headquarters of the Vice-Consulate. Thus, by 1892, Sapele became the first Urhobo settlement with effective British presence³¹⁴

What happened subsequently was a steady and unhindered push by officials of Great Britain into Urhoboland. This was not through force or threat of its use, but through goodwill, friendship and peaceful diplomacy. Indeed, of more importance here is the awareness that Great Britain's officials proceeded to set up station at Sapele without having concluded any agreement with the people, nor had they used any evident coercion. Only afterwards was this base used to secure treaties with various Urhobo settlements.

These treaties were an important part of a longer peaceful process of British influence, power and dominion being introduced into Urhobo territories. Indeed, in time, after the conclusion of the protectorate treaties and the proclamation of the Niger Coast

³¹³ TNA, F.O. 84/2111, Macdonald's dispatch to the Marquis of Salisbury, No. 30, 12 Dec. 1891, Pp. 471-72

³¹⁴ See F.O. 84/2194, Pp. 330-331.

Protectorate in 1893, the Consul and his officials relied on the provisions of the treaties to further the extension of British dominion and authority in the various territories. The treaties obviously served British self-interests by keeping away rival imperial powers, especially the French from the Niger Basin. While locals gradually realised that, there was no competition from European powers for their palm oil, save for the British as the Protector and buyers, this made colonisation easier for the British, as by then, locals were already politically and economically dependent on the British. However, it was such a gradual peaceful process of informal to formal control that there were no obvious instances of uprisings against the imperial power. In time, the British Consul became the de facto suzerain in the territory where a treaty had been concluded. He it was, who could enforce agreements and treaties concluded between the British and the indigenous Chiefs, and also make rules and regulations for the maintenance of peace, order and good government in consonance with British metropolitan standards.

Perhaps, because of how secure the British felt in Sapele, the first treaty of protection Great Britain concluded with any Urhobo group was not there but with the nearby Abraka Urhobo (Abrakar in the Treaty) on 9 May 1892. It was not surprising that the British concluded a treaty with the Abraka before other Urhobo groups. Abraka then, was a prominent Urhobo market town upstream on the Ethiope River, in which all the palm oil from nearby Ukwuani settlements were collected by traders for onward delivery to the coast. It was this market and others that Nana stopped when his monopoly of trade was beginning to wane. As in the case with other groups of this study indicated in subsequent chapters, the British often concentrated in bringing about centres of trade and prominent settlements in particular areas under their influence quite quickly compared to other smaller settlements.

This played out in the case of the Ijo in the next chapter, as well as with the Ukwuani in chapter eight. After the treaty with Abraka, British penetration into other aspects of Urhoboland intensified from 1893 through a series of treaties concluded with different settlements, treaties which contained clauses transferring indigenous political and sovereign rights to the imperialists.

Before examining Great Britain's treaty-making episodes with the Urhobo, it is pertinent to note that, by the time of the Berlin Conference of 1884/85, Great Britain's concerns were geared towards warding off French and German rivalries from undercutting her interests on the Niger.³¹⁵ As such, Consular Officers of Great Britain and officials of the National African Company were active across the length and breadth of the Lower Niger, from Calabar to the Western Delta, convincing the local rulers and chiefs to sign treaties of protection.³¹⁶ In fact, there was some competition between different British agents to be the first to secure such treaties in any area. In this circumstance, some indigenous groups, especially the Urhobo of this study ended up concluding treaties with both the consular officials and company agents. This threw up a dispute between the RNC, after the granting of its Charter in 1886 and the government of the Oil Rivers Protectorate and its successor, the Niger Coast Protectorate, as to who had jurisdiction over certain territories. The bone of contention was that, the definition of the territories of the two bodies, that is, the Oil Rivers

³¹⁵ By March of 1884, the Germans had proclaimed a protectorate over Angra Pequena close to Great Britain's Cape Colony, while on 5 July and 14 July respectively, Germany had also secured protectorate status for Togoland and the Cameroons. These alarmed Great Britain, and she desired that the Berlin Conference resolves issues of European Powers' annexation of territory in Africa. See, TNA, F. O. 84/1813/43, Granville to Plessen, 8 October, 1884; TNA, F.O. 403/46/24, Granville to Malet, 14 October 1884; Sebastian Conrad, *German Colonialism: A Short History* (Cambridge: University Press, 2012); A. J. P. Taylor, *The Course of German History: A Survey of the Development of German History since 1815* (London: Routledge, 2001); P. T. Moon, *Imperialism and World Politics* (New York: MacMillan, 1930).

³¹⁶ Anietie A. Inyang, and Manasseh E. Bassey, 'Imperial Treaties and the Origins of British Colonial Rule in Southern Nigeria, 1860-1890,' *Mediterranean Journal of Social Sciences*, Vol. 5, No. 20, 2014.

Protectorate and the territories of the Royal Niger Company, embodied and overlapped aspects of the same areas, so that a deplorable situation arose whereby consular officials and company agents jostled to conclude treaties with indigenous leadership of the various settlements in a bid to win sovereign rights over the people. Matters only came to a rest when arrangements were made to fix their boundaries and harmonize the activities of both sides with the arrival of Major Claude Macdonald in 1891.³¹⁷

While the Niger Coast Protectorate which succeeded the Oil Rivers Protectorate by 1893 lies between the colony of Lagos on the West and the German colony of the Cameroons in the East, the territories of the Royal Niger Company constituted a bit of territory from the right bank of the Forcados River down to the mouth of the River Nun at Brass.³¹⁸ The picture here was that, aspects of the Royal Company's areas of jurisdiction in the Lower Niger were sandwiched between the territories of the Niger Coast Protectorate. Therefore, given that Urhobo areas were within the hinterland beyond the left bank of the Forcados River, they naturally fell under the jurisdiction of the protectorate, while the Ijo areas, from the Forcados to Patani fell within the purview of the RNC. Clearly, a lack of adequate knowledge of the actual physical and demographic boundaries that define the indigenous groups they were dealing with, threw up this jurisdictional problem for the Protectorate and the Company. This state of affairs between the Protectorate and the Company would partly slow down the establishment of governance institutions in Urhoboland and indeed in the Western Delta in

³¹⁷TNA, F.O. 84/2110, Foreign Office Draft Instructions to Macdonald, 18 April 1891. As part of his brief by the Foreign Office, Major MacDonald was directed, upon being appointed as Consul in 1891, to identify the treaties that have been concluded with the natives and to eventually bring the area under a uniform government.

³¹⁸ Alan Boisragon, *The Benin Massacre* (London: Methuen and Company, 1897). Captain Boisragon was a Commandant of the Niger Coast Protectorate Force, and one of the two survivors of the ill-fated Benin Massacre of January 1897. This necessitated the later British Expedition against the Benin Kingdom.

general until the 1900s.³¹⁹ Moreover, it is instructive to note that in Hertslet's list of Treaties concluded between the Royal Niger Company and indigenous Chiefs, 1884-1892, Itsekiri and Urhobo settlements are not included (possibly a diplomatic response to the disagreement with the British government over them).³²⁰ Therefore, the Urhobo treaties examined here are the treaties concluded with agents of the protectorate governments.

6.3 Great Britain's Treaties with the Urhobo

As has been noted in relation to their socio-political system, in Urhoboland, there were no big chiefs with jurisdiction over large tracts of territories that the British could deal with. In the absence of a centralized figure head, it became a case of dealing with settlement by settlement, as officials of Great Britain tried to get through the area, exploring and opening it up for absorption into Her Majesty's empire. However, the officials of the protectorate government did not conclude treaties with all the clans identified in Urhoboland here. The reasons for this are not entirely clear, but perhaps, it may be connected with the strategy of the British to concentrate on treaty-making with groups mainly along trade routes, which were market towns of the palm oil trade. The British also divided Urhobo territories into two sections. Those within Sobo country and the others within the vicinity of Warri which by the 1890s, had emerged as one of the Districts of the Oil Rivers and later Niger Coast Protectorate.³²¹ Thus, the treaties concluded were classified as those with the Urhobo communities of the "Sobo Country", and of the "Warri District". These were standard treaties printed and shipped overseas by British imperial agents. Moreover, the wordings of the pro forma treaties were the same, with gaps in-between sentences filled out by hand for

³¹⁹ In 1895, the Foreign Office sent out Sir John Kirk to investigate the jurisdictional issues between the company and the protectorate, but he could not conclude matters because little was known of the geography of the area. See, TNA, FO 403/316, Kirk to Kimberly, 30 June 1895.

³²⁰ Edward Hertslet, Sir, *The Map of Africa By Treaty, Vol. 1* (London: Harrison and Sons, 1937), Pp. 450-455.

³²¹ The six Districts of the Niger Basin were Calabar, Bonny, Opobo, Brass, Benin and Warri.

names of the communities and other relevant information, while in some cases, sections, considered irrelevant were struck out. In all, not less than fourteen treaties were concluded by agents of Great Britain with Urhobo settlements between 1892 and 1895.³²²

As indicated earlier, the first treaty of protection was with the Abraka on 9 May 1892. This was not surprising given that Abraka was a principal Urhobo market town, situated in the heart of the Urhobo country and noted for its oil palm production and supply. This much was said of this settlement as a center for palm oil production and supply by Macdonald in his despatch to the Under Secretary of State for Foreign Affairs.³²³ Though the processes of the negotiation of the various treaties are not clearly discernible, but an analysis of the contents and a look at the events prior to and follow up actions can be deduced to understand better how peaceful the colonisation process was and, how the protectorate treaties were used as instruments for the eventual transfer of political sovereignty of the indigenous people to the British Empire. As earlier noted, Gallwey's and Macdonald's visits to the Urhobo hinterland were met with enthusiasm by the Urhobo people, who were long desirous of British presence in their domains. This attitude by the Urhobo was engendered by Nana; the Itsekiri Governor of the Benin River's overbearing influence on trade along the Ethiope River which was the gateway to the Urhobo hinterland. This welcoming disposition of the Urhobo, a reflection of indigenous agency in the contact process, combined with Gallwey's

³²² The 14 Urhobo treaties were concluded in the following order: Treaty with Chiefs of Abrakar, May 9, 1892; Treaty with the Chiefs of Asagba, Sobo Country, Dec. 6, 1892; Treaty with the Chiefs of Toree (Ekpan), February 25, 1893; Treaty with the Chiefs of Ajebha (Ejeba), March 7, 1893; Treaty with the Chiefs of Agbassa, March 14, 1893; Treaty with the Chiefs of Ogoolu (Ogunu), March 30, 1893; Treaty with the Chiefs of Oboodoo (Igbudu), March 30, 1893; Treaty with the Chiefs of Oagbi Sobo, August 16, 1893; Treaty with the Chiefs of Effuru (Effurun), June 5, 1894; and the last set of treaties concluded with the Okpara, Uwhokori (Kokori), Ona, Eko (Eku), and Igu (Igun) in 1895. See TNA, F.O. 2/168, Treaties. West Coast. Part II. 1891 – 1898.

³²³ In this despatch Macdonald expressly identified Abrakar as a major market in the production and supply of palm oil. He also informed that officials of the Niger Company had been seen making treaties with minor villages belonging to the Sobo people. See, TNA, F.O. 2/50 Niger Coast, (Oil Rivers Protectorate). Commissioners and Consuls General. Sir C. MacDonald, Mr. R. Moor, Mr. J. F. Roberts. West Coast, 1893.

survey of the Urhobo hinterland in 1891, as an Intel-gathering and knowledge process, paved the way for treaty-making and the eventual annexation of Urhoboland into the British Empire.

“Treaty with Chiefs of Abrakar” was negotiated by Gallwey, then Deputy Commissioner and Vice-Consul of the Benin District. The treaty had nine articles and opened with the following words in its first Article:

Her Majesty the Queen of Great Britain and Ireland, Empress of India, in Compliance with the request of the Chiefs, and people of Abrakar, hereby undertakes to extend to them, and to the territory under their authority and Jurisdiction, Her gracious favour and protection.³²⁴

The wordings of this first article of the treaty resonate with the legal foundations of colonialism discussed in chapter two. It implied that the Chiefs had given their territories in which they originally had authority and jurisdiction to the British, for Her Majesty’s gracious favour and protection. This clearly amounted to a subtle and peaceful way of taking over the territory and imposing British political authority on the Urhobo chiefs and people. There is an important point worth noting in relation to this treaty. Whether the Chiefs of Abrakar actually made the request to the British for protection is a matter for debate, but given the events of the episodes with Nana and the enthusiasm of the Urhobo to trade directly with the British, it is unlikely that they objected to any aspect of the treaty provisions, even though their understanding of the contents and character of the treaties could at best be taken as very minimal in terms of the political implications of their actions. Nevertheless, the Urhobo most likely regarded the treaty-making exercise as a way to better opportunities of trade with the

³²⁴ TNA, F.O. 2/168, Treaties. West Coast. Part II. 1891 – 1898.

agents of Great Britain, rather than a process of handing over sovereignty to the alien power.³²⁵

Notably, the British treaties with the Urhobo were of the same pro forma standard, each made up of nine articles, done in triplicate, witnessed by one or two persons, having the marks of the local Chiefs which varied in numbers in each case, having the signature of an interpreter and lastly attested to by a Protectorate government official, who ostensibly must have been the facilitating or negotiating officer of the process. The contents of the other Articles of the Abrakar treaty deserve to be outlined and analysed in detail for a better understanding of how the colonisation process was peaceful and how treaty-making was used by the imperial power for gaining political and sovereign rights from the indigenous leadership to achieve colonialism.

Article II: “The Chiefs of Abrakar agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty’s Government.”

Article III: “It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the territory of Abrakar is reserved to Her Britannic Majesty, to be exercised by such Consular or other officers as Her Majesty shall appoint for that purpose. The same jurisdiction is likewise reserved to Her Majesty in the said territory of Abrakar over foreign subjects enjoying British protection, who shall be deemed to be included in the expression “British subject” throughout this Treaty.”

Article IV: “All disputes between the Chiefs of Abrakar, or between them and British or foreign traders, or between the aforesaid Chiefs and neighbouring tribes, which cannot be settled amicably between the two parties, shall be submitted to the British Consular or other officers appointed by Her Majesty to exercise jurisdiction in the Benin and adjoining territories for arbitration and decision, or for arrangement.”

Article V: “The Chiefs of Abrakar hereby engage to assist the British Consular or other officers in the execution of such duties as may be assigned to them; and, further, to act upon their advice in matters relating to the administration of justice, the

³²⁵ Peter Ekeh, (Ed) *History of the Urhobo People of the Niger Delta* (New York: Urhobo Historical Society, 2006), p. 90.

development of the resources of the country, the interest of commerce, or in any other matter in relation to peace, order, and good government, and the general progress of civilization.”

Article VI: “The subjects and citizens of all countries may freely carry on trade in every part of the territories of the Chiefs parties hereto and may have houses and factories therein.”

Articles VII: “All ministers of the Christian religion shall be permitted to reside and exercise their calling within the territories of the aforesaid Chiefs, who hereby guarantee to them full protection. All forms of religious worship and religious ordinances may be exercised within the territories of the aforesaid Chiefs, and no hindrance shall be offered thereto.”

Article VIII: “If any vessels should be wrecked within the Abrakar territories, the Chiefs will give them all the assistance in their power, will secure them from plunder, and also recover and deliver to the owners or agents all the property which can be saved. If there are no such owners or agents on the spot, then the said property shall be delivered to the British Consular or other officer. The Chiefs further engage to do all in their power to protect the persons and property of the officers, crew, and others on board such wrecked vessels. All claims for salvage dues in such cases shall, if disputed, be referred to the British Consular or other officer for arbitration and decision.”

Article IX: “This Treaty shall come into operation, so far as may be practicable, from the date of its signature. Done in triplicate at Abrakar this ninth day of May 1892.”

The closing sections of the treaties usually addressed the witnesses that signed on behalf of the imperial power and the affixed marks of the indigenous Chiefs of the people, while the consular officer, who most likely negotiated the treaty also signed. In this instance with the Abrakar, the treaty was signed by Gallwey. The very last portion contained, a declaration and signature by the interpreter that, he had fully interpreted and explained the contents of the treaty to the Chiefs in question, and that they fully understood its meaning (see, appendix II).

An analysis of some of the articles in the treaty with the Abrakar throws up some very interesting points which underscore the central argument of peaceful colonisation of this study. By the wordings of article II, Great Britain claimed the sovereign rights of the people to independently enter into any agreement with other powers without her consent. Articles III

and IV equally empowered Great Britain to acquire the sovereign rights of the people to legislate and adjudicate on civil and criminal matters within their domain in relation to Europeans, their neighbours and within themselves. This was clearly, a subtle way of taking away the peoples political, diplomatic and judicial independence without force. Article V cleverly subsumed the Chiefs and elders of the peoples under the direct authority of British Consular or other officers, while article VI sought to make provision in line with the terms of the Berlin Conference, allowing the freedom of navigation and trade for nationals of other European powers. In turn, article VII provided grounds for the consolidation of the Christian faith and missionary enterprise, whereas article VIII exerted a moral burden on the Chiefs and people to be of good behavior. As demonstrated in subsequent British actions post treaty-making, the provisions of the treaties bestowed on the officials of Great Britain political and legal rights to establish administrative machineries for effective control, for maintenance of law and order, leading up to the amalgamation of the southern and northern protectorates of Nigeria in 1914.

A significant point to note is that this pattern of colonisation, using treaty-making in a peaceful manner, was devoid of gun-boat diplomacy. Clearly, the British did not coerce the indigenous peoples to give up their territories and sovereign and political rights by force of arms or threat of its use. Even though subsequently, an instance of use of force, ostensibly to maintain law and order was witnessed in the process of consolidation, the initial move from informal to formal control was largely achieved through peaceful treaty-making processes.

6.4 Post Treaty-Making Developments

As discussed earlier, the jurisdictional dispute between the two imperial agencies would partly slow down the establishment of British administrative organs in the Niger Basin as a whole. This situation in Urhoboland was further compounded by Great Britain's distractions towards containing the Benin Kingdom by 1897, and by further instructions from the FO to Ralph Moor, who succeeded Macdonald in 1896 as Consul of the Niger Coast Protectorate, to maintain the status quo with the Company and avoid any action likely to create friction between both agencies. Ralph Moor dutifully obliged the FO's directive by directing his men to take as little action as possible, even though he frowned at the FO's position, considering it as a reversal of progress made so far.³²⁶ Thus, from the time of the last treaties with the Urhobo groups in 1895 up to 1900, both the restrictions by the FO on the Niger Coast officials, the event of the sacking of Benin in 1897 and the eventual winding up of the RNC in 1899 combined in the intervening years to delay the establishment of effective British administration in Urhoboland. But this state of affairs did not stop the protectorate government from sustaining payment of subsidies to treaty chiefs.³²⁷ This was clearly a move which further attests to a desire by the imperial power to have good and peaceful relations with the indigenous peoples.

However, with the liquidation of the RNC in 1899, the Niger Coast Protectorate proceeded to take over its assets and organized to establish effective governance all over the Niger and Urhobo areas in particular. Ralph Moor consequently posted officers to all Urhobo oil markets, and sent a despatch to the Colonial Office, which by this time had replaced the

³²⁶ See, TNA, F.O 2/120, Foreign Office: Political and other Departments: General Correspondence before 1906, Africa, 1825-1905.

³²⁷ TNA, F.O 2/180, Sir R. Moor, Major Gallwey. Niger Coast Protectorate Despatches, 1898.

Foreign Office as the overseer of Consular Affairs, informing that all Urhobo settlements and other adjoining territories were now under the government of the Niger Coast Protectorate.³²⁸ With this action, clearly achieved on the strength of the concluded treaties which were arrived at peacefully, Ralph Moor moved to place Urhobo areas under British control and governance. As the man on the spot from 1896, shaping and driving the imperial enterprise, Ralph Moor like other imperial agents before him was dedicated to the expansionist cause as the one tasked with consolidating Great Britain's presence first in the Niger Basin and later throughout southern Nigeria up to the 1900s.³²⁹ His entry into Crown service began in 1891 when, he raised a constabulary of Hausa and Gold Coasters under the Oil Rivers Protectorate, and later, he was appointed as one of the vice-consuls by Macdonald in 1892. J. D. Hargreaves has noted that when Moor succeeded Macdonald as commissioner and consul-general in 1896, he recorded his intention of extending British influence into the hinterlands by peaceful expeditions and collaborations with indigenous rulers.³³⁰

Subsequent developments in the Western Delta from 1900, rests on the emergence of the Southern Nigerian Protectorate and the Proclamations of the Native Courts and Supreme Courts Ordinances of 1901. These provisions led to the establishment of several Native Courts in Urhoboland which effectively served as local government administrations under the supervision of British District Officers. In effect, these local government institutions, styled after British political systems, took over the political and judicial sovereignties of the

³²⁸ TNA, C.O 444/1, Ralph Moor's Despatch to Colonial Office, 14 April 1899.

³²⁹ A. E. Afigbo, 'Sir Ralph Moor and the economic development of Southern Nigeria, 1896-1903,' *Journal of the Historical Society of Nigeria*, Vol. 5 No. 3, 1970.

³³⁰ J. D. Hargreaves, 'Moor, Sir Ralph Denham Rayment (1860-1909),' *Oxford Dictionary of National Biography* (Oxford: University Press, 2004).

indigenous leadership, who from this time became subsumed under the control of British District Officers.

Some salient points worthy of note in Urhobo-British encounters includes: first, the treaties with the Urhobo groups of the Warri District were in contents and character the same with those of the Sobo country. On the whole, a common attribute of the articles in the treaties was that they conferred on the British Consul, political and jurisdictional powers over the indigenous Chiefs in all matters, thereby undermining not only the sovereignty of the African rulers, but also taking over full control of their territories and land. Secondly, there were a few instances of Great Britain's show of power or force in relations with the Urhobo of the Warri area. The examination of this is imperative in view of the emergence of Warri as a township, where a Native Court had been established earlier in 1896. This was the punitive actions of Great Britain against the Agbassa for their support of the Itsekiri chief Nana. The Urhobo settlement of Effuru (Effurun) was also sacked just two months after concluding a treaty with the Niger Coast Protectorate in 1894. Its fate was also linked to Chief Nana of the Itsekiri, for the head Chief of Effuru was believed to be sympathetic to the plight of the Itsekiri Chief over his travails with the British, in the process stopping trade in his domain in solidarity with Nana. Stopping trade was regarded by the British as a challenge to the provisions of the treaty, so action was taken against the chief.³³¹ These isolated cases of military action against some Urhobo groups, are not enough to ascribe a blanket application of conquest, in Great Britain's colonisation of the Urhobo as a whole. Rather, the process of colonisation was achieved through a more peaceful treaty-making diplomacy, involving indigenous agency, and British bridgeheads.

³³¹ TNA, F.O 2/63, Moor to Foreign Office, 8 August 1894.

6.5 Chapter Summary

In this chapter, the primary task was to explore and investigate how Great Britain colonised the Urhobo people of the Western Lower Niger. The emergent picture was that the process was generally peaceful, beginning with when the Urhobo had contact with the agents of Great Britain in 1891. H. L. Gallwey became the first European and Briton to have contact with the Urhobo when, he embarked on a tour of the Urhobo country, getting to Sapele in 1891. A Vice-Consulate was subsequently established in Sapele in 1892, after the Urhobo enthusiastically welcomed the British agents. Sapele subsequently served as a staging post for further inroads into Urhobo hinterlands where, from 1892, series of treaties were concluded with various Urhobo settlements beginning with the Abrakar.

The palm oil trade ensured that, the political fortunes of both the Itsekiri and Urhobo were inextricably tied together in the age of empire, one as coastal middlemen, and the other as hinterland dwellers who produced the trade commodities required by the Europeans. But by the 1890s, the Urhobo openly expressed interest in dealing directly with the British, so as to benefit from the trade. This was clearly a case of indigenous agency in the colonisation process and resonates with suggestions that Great Britain's expansionist ideas alone could not account for colonisation, but that, in some instances local conditions encouraged and facilitated colonisation. Thus, following Vice-Consul Gallwey's visit to Urhoboland in 1891 and the subsequent mapping out of markets and commercial interests by the British, Urhoboland was opened up to directly participate in trade relations with the British, who gradually proceeded after the first treaty of 1892 to conclude further treaties with other Urhobo groups and established administrative control on the area. The fourteen treaties, concluded peacefully, contained provisions which, though the indigenous people clearly did

not understand, served the imperial interest of the British to acquire the sovereign and political rights of the indigenous peoples, bestowing on the officials of the imperial power rights to exercise dominion and imperium over the indigenous peoples. The British relied on and referred to the various treaties concluded with the chiefs of the areas to proclaim their Protectorates of the Niger Districts, the Oil Rivers, and the Niger Coast in 1885, 1891 and 1893, respectively.

The chapter took cognizant of the fact that despite the largely peaceful nature of the colonisation process through a wide use of treaties, there were a few cases of use of force, after treaties had been concluded. But this does not represent a prevalent trend of forceful colonisation.

On the whole, it was evident that a combination of soft power approach through treaty-making and use played a far more significant role in bringing about the territories of the Urhobo under the control of the British Empire. As has been noted, it is doubtful if the chiefs who signed these treaties on behalf of their people knew exactly the import of their contents. Nevertheless, following the streamlining of the rules of engagement on how best to approach the Scramble for Africa at the Berlin Conference in 1884/85, the British expedited their treaty-making processes in the Niger Basin, so that the various treaties concluded with the chiefs became the tools for introducing and consolidating Great Britain's power and authority in the various areas. It is safe to say that in the light of the evidence here, treaty-making diplomacy, directed by the men on the spot, and local indigenous conditions which spurred indigenous agency, characterised a more peaceful colonisation of Urhoboland by the British between 1892 and 1914.

Chapter Seven: Treaty-Making and Clashes in Isoko

The temper and convictions of the Consul-General continued to determine the character of British policy towards the groups with which British rule came into contact. Military expeditions dominated the history of the period 1896-1906 because Ralph Moor believed in the efficacy of punitive expeditions, and ... the local administration organised and carried through one expedition after another.³³²

Introduction

This chapter discusses how the Isoko territories were colonised by Great Britain. In line with the central theme of this dissertation, a reconstruction of the means employed by officials of Great Britain in the pacification and eventual colonisation of the Isoko people has become imperative in the face of the existing dominant historiography of Nigeria which suggests the central place of use of force by Great Britain. The colonisation occurred relatively late, in the 1890s, a period described by one Nigerian historian, J. C. Anene, as particularly violent, thanks to Ralph Moor.³³³ This *modus operandi*, according to Anene, was in variance with the earlier operational style of Macdonald, Moor's predecessor, who attached greater importance to treaty-making and who had prioritised goodwill with the natives.³³⁴ But in contrast to such a narrative by historians of Nigeria, Ralph Moor, also prioritised diplomacy, not violence, in extending Great Britain's influence, and had already demonstrated this (see chapter 5).³³⁵

³³² J. C. Anene, *Southern Nigeria in Transition 1885 – 1906, Theory and Practice in a Colonial Protectorate* (Cambridge: University press, 1966, P. 181).

³³³ It was Macdonald himself who recommended Moor to be his successor, see, TNA, F. O. 84/2194, Macdonald to foreign office, 20 May 1892.

³³⁴ The bulk of Consul Moor's expeditionary and punitive actions from the closing years of the nineteenth century against some groups in the Niger Coast Protectorate were precipitated by a desire to stop what were considered evil practices such as human sacrifices, murder of twin, and trial by ordeal. See, NAI, CSO 26/2 No. 11857, Niger Coast Protectorate, Report for 1898 – 9, 289, Ralph Moor to Chamberlain, Pp. 22 – 24.

³³⁵ J. D. Hargreaves, 'Moor, Sir Ralph Denham Rayment (1860-1909),' *Oxford Dictionary of National Biography* (Oxford: University Press, 2004).

Once again, the problem seems to be which examples historians have used. This study does not deny instances of punitive actions by Great Britain against the people based on different circumstances, but these should not be used as a typical first step by which the imperial power gained control. In the wider Nigerian historiography, punitive actions by Great Britain against other Niger Delta groups such as the Brass, Benin, Okrika and areas of the Upper Cross River have been used as the basis for a blanket ascription of the use of coercion in the whole Delta.³³⁶ Again, this dominant narrative by historians of Nigeria are wont to suggest that Great Britain pursued a paradoxical policy of extending control by means of military expeditions even after treaty-making.³³⁷ However, the example of the Isoko once again makes clear that, British-indigenous interactions were more complex than such dominant narratives suggests, with over violence rarely used.

The chapter also outlines the early history of the Isoko people, focusing on their origins, migrations and settlement patterns, a necessary background to understand the nature of the interactions which occurred on the ground. Early ties with neighbouring groups are explored in relation to links between the coastal and hinterland peoples and the impact such inter-group contacts had on the Isoko. Changes in their socio-political institutions engendered by external stimuli in the form of contact with the Europeans, the slave trade, and the consequences of its abolition in the nineteenth century are also examined in relation to British expansion into Isoko territories. Lastly, British consolidation through treaty-making and establishment of control by means of peaceful and diplomatic measures, shaped by the

³³⁶ The case of Okrika in June 1896 in which the Juju houses of the town were burnt down represents the desires of the agents of Great Britain to stamp out what were deemed repugnant practices of the people as contained in treaty agreements. See, TNA, F. O. 2/101, Report on the Okrika expedition, 2 June 1896; TNA, F. O. 2/101, Report on the Qua-Eboe district, 24 September 1896.

³³⁷ J. C. Anene, *Southern Nigeria in Transition, 1885-1906: Theory and Practice in a Colonial Protectorate* (Cambridge: University Press, 1966).

7.1 Precolonial Isoko: Origins and Socio-Political Structure

In the Western Delta hinterland, availability of dry land played a pivotal role in the settlement patterns of the people. For the Isoko, the nature of the terrain determined that, its settlements were not only small and scattered but some located around and at the head of navigable rivers and estuaries. In pre-colonial times, the majority of Isoko settlements were largely rural communities in dispersed village and hamlet settings. In tandem with the general characteristic of the overall Niger Delta cultural setting, the typical Isoko community comprised compounds with compact spaces housing groups of families often of same kinship. These communities were usually located along water courses, bush paths and radiates towards markets and where other functions were situated.³³⁹ Linguistically, the Isoko language like Urhobo belongs to the Edoid family of languages, clearly suggestive of affinity with the Benin kingdom.³⁴⁰ The Isoko are bounded on the south by the Ijo, the Urhobo on the west, and Benin in the north, while the Ukwuani borders them on the east. The description of the peoples early history, and social and political structures are gleaned from, linguistic, ethnographic, and archaeological sources.³⁴¹ The evidence indicates that the Isoko are a distinct people from the Urhobo, even though officials of Great Britain erroneously grouped them together with the latter before having contact with them. This explains why, as

³³⁹ Federal Republic of Nigeria, *Niger Delta Region Development Masterplan* (Lagos: Government Press, 2002).

³⁴⁰ See, B. O., Elugbe, *The Scramble for Nigeria: A Linguistic Perspective* (Ibadan: DB Martoy Books, 2011); 'Some Tentative Historical Inferences from Comparative Edoid Studies,' *Kiabara*, Vol. 311, 1979, Pp. 82-110; A *Comparative Edo Phonology* (Ibadan: University Press, 1973); Kay Williamson, 'Languages of the Niger Delta,' *Nigerian Magazine*, No. 97, 1968

³⁴¹ These sources are taken here as primary because of the method employed in acquiring evidence. They include: Obaro Ikime, *The Isoko People A Historical Survey* (Ibadan: University Press, 1972); 'Traditional Government and Justice Among the Urhobo and Isoko of Delta Province, Nigeria,' *Nigerian Journal of Economic and Social Studies*, Vol. 7, No. 3, 1965; J. W. Hubbard, *The Sobo of the Niger Delta* (Zaria: Gaskiya Corporation, 1948); J. W. Welch, 'The Isoko Tribe,' *Africa: Journal of the International African Institute*, Vol. 7, No. 20, 1934; Hubbard, 'The Isoko Country, Southern Nigeria,' *The Geographical Journal*, Vol. 77, No. 2, 1931;

demonstrated in this chapter and the next, officials of Great Britain had to later conclude separate treaties with the Isoko and the Ukwuani.

Unlike the Itsekiri, but more like the Urhobo, Ijo and Ukwuani of this study, precolonial Isoko was organised into autonomous clans, with each clan consisting of a number of settlements that share a common tradition of origin from an eponymous ancestor. These autonomous clans differ in origins, are separated in dialects, but share similarities in social and cultural traits. There remains considerable disagreement about how many clans make up the Isoko. For instance, J. W. Welch has identified ten clans and others as sub-clans. However, in their later study of the group, Bradbury and Lloyd put the number of Isoko clans at seventeen, including the following: Erowha; Ozoro, Ofagbe; Aviara; Iyede; Emevo; Enhwe; Igbiide; Emede; Uwheru, Owe; Olomoro; Uzere; Iri; Elu; Oleh; and Okpe.³⁴² The Ijo call the Isoko 'Biotu', - people of the interior, while the Ukwuani refer to them as 'Igabo,' but, these are essentially regarded by the Isoko as derogatory references.³⁴³

Overall, Isoko origins and the populating of its territory is shrouded in myths and contradictions, made up of versions from the various clans. Five migratory episodes have been suggested as the basis of the formation of the Isoko nation, anchored on a mixing of peoples involving elements from Ijo, Ibo and Benin migrants.³⁴⁴ This theme of multiple origins is also inherent in the accounts of the various clans as contained in the colonial era

³⁴² R.E. Bradbury, and P. C. Lloyd, *The Benin Kingdom and the Edo Speaking Peoples of South-Western Nigeria: The Benin Kingdom; The Ishan; The Northern Edo: The Urhobo and Isoko of the Niger Delta, with a Section on the Itsekiri* (London: International African Institute, 1957), P. 129; J.W. Welch, 'The Isoko Tribe,' *Africa: Journal of the International African Institute*, Vol. 7, No. 20, 1934, P. 160.

³⁴³ Whitney P. Foster, 'Pre-Twentieth-Century Isoko: Its Foundation and Later Growth,' *African Historical Studies*, Vol. 2, No. 2, 1969, P. 298; James Welsh, 'The Isoko Clans of the Niger Delta,' Ph.D. Thesis, University of London, 1929.

³⁴⁴ J. W. Hubbard, *The Sobo of the Niger Delta* (Zaria: Gaskiya Corporation, 1948); J. W. Welch, 'The Isoko Tribe,' *Africa: Journal of the International African Institute*, Vol. 7, No. 20, 1934.

assessment reports.³⁴⁵ Irrespective of these varied accounts, a trend common in most accounts is the preeminence of the Erowha group, believed as the early Isoko settlement around the Patani Creek area, from whence migrations northwards to all other Isoko speaking areas occurred.³⁴⁶ Benin was clearly a prominent polity with impact and influence on the other peoples of the Western Delta. Benin's better documented history, which overshadowed other local histories and thus influenced European perceptions of the peoples of the Western Delta, has been recognized by historians. In this sense, it is not uncommon to hear of sections within indigenous groups referring to Benin as a place of origin. This is as much a factor in Isoko origins as it is with aspects of the Ijo as indicated in chapter five and with the Ukwuani in chapter eight and reflects the wider regional dominance of Benin over the last several hundred years.³⁴⁷

In summary, two distinct migratory groups, and a third that claim autochthony appear to have metamorphosed into the Isoko ethnicity. The first, trace their origins to Benin and includes the clans of Aviara, Emevo, Iyede, Okpe, Owe, and Uzere. The second migratory legend, trace origins to Iboland east of the Niger, and the clans of Enhwe, and Ume fall into this group. The last legend refers neither to Benin nor to Ibo ancestry, but rather emphasizes autochthony with Erowha considered as a place of early settlement and a primary dispersal

³⁴⁵ The colonial era intelligence and assessment reports of some of the clans attests to this as well. See, NAI, CSO 26, No. 27991, D. T Standfield, Intelligence Report on Okpe Clan, 1930; NAI, CSO 26, No. 20770, E. E. Johnson, Intelligence Report on the Olomoro Clan, 1931; NAI, CSO 26, No. 27994, R. A. Miller, Intelligence Report on the Iyede Clan, 1932.

³⁴⁶ This view is central in both Welch's *The Isoko Tribe*, and Hubbard's *Sobo of the Niger Delta*. It is also a common strand in the intelligence report on the Erowha. See, NAI, CSO 26, No. 27993, Intelligence Report on the Erowha-Umeh clan, 1932. See also, B. O., Elugbe, 'Some Tentative Historical Inferences from Comparative Edoid Studies,' *Kiabara*, Vol. 2, 1979.

³⁴⁷ E. J. Alagoa, *The Uses of Hindsight as Foresight: Reflections on Niger Delta and Nigerian History* (Port Harcourt: Onyoma Research Publications, 2004), P. 54; A. E. Afigbo, 'The Benin Mirage and the History of South-Central Nigeria,' *Nigeria Magazine*, 131, 1981, Pp. 17-24; J. W. Hubbard, *The Sobo of the Niger Delta* (Zaria: Gaskiya Corporation, 1948), Pp. 152 & 161; J.W. Welch, 'The Isoko Tribe,' *Africa: Journal of the International African Institute*, Vol. 7, No. 20, 1934, P. 162.

point. It has been suggested that, it was not uncommon to note references to Erowha by elders of other Isoko clans as the Okpako (elder clan) of all the Isoko, just as the oral traditions of other Isoko clans refer to Erowha in terms which suggest that the Erowha were in the Isoko area long before the arrival of other groups.³⁴⁸ Isoko early history was therefore, a pattern of new migrants from adjoining territories moving into the Isoko area, mixing up with earlier groups to over time form, the Isoko identity. Thus, the Isoko could be said to be newcomers to the Western Delta environment compared to the coastal Itsekiri and Ijo.

The ecology of the Isoko abode allowed for relatively large-scale farming activities. Despite the occasional annual flooding of the creeks and streams engendered by heavy rainfall, Isokoland was drier and higher compared to the coastal and swampy Itsekiri and Ijo territories.³⁴⁹ Thus, the people were essentially agriculturalists with the intensity of farming activities determined to a large extent by the dry nature of the land, while trade was a subsidiary reinforced by commercial ties with the neighbouring Urhobo, Ijo and Ukwuani groups with whom they exchanged commodities. The vegetation of the Isoko area is dominated by the oil palm tree. Thus, with abundance of the oil palm tree, and as oil palm producers, the internal long distance trade routes which traversed the riverine Delta encouraged linkages and channels for trade between the Isoko and the other groups of this

³⁴⁸ NAI, CSO 26, No. 27996, Intelligence Report on the Igbiide clan, 1932; NAI, CSO 26, No. 27287, Intelligence Report on the Enwe clan, 1931; NAI, CSO 26, No. 27992, Intelligence Report on the Aviara clan, 1932; NAI, CSO 26, No. 27995, Intelligence Report on the Emevo clan, 1932; NAI, CSO 26, No. 27989, Intelligence Report on the Owe clan, 1932; NAI, CSO 26, No. 27990, Intelligence Report on the Uzere clan, 1931. See, E. J. Alagoa, *The Uses of Hindsight as Foresight: Reflections on Niger Delta and Nigerian History* (Port Harcourt: Onyoma Research Publications, 2004), P. 53; Obaro Ikime, *The Isoko People: A Historical Survey* (Ibadan: University Press, 1972).

³⁴⁹ A. E. Apena, 'A Socio-Economic History of the Western Delta During the Colonial Period,' Unpublished PhD Thesis, University of Lagos, 1987.

study.³⁵⁰ In later years, external stimuli came first in the form of the slave trade and thereafter in the palm oil trade, culminating in contact with and colonisation by Great Britain.

Isoko socio-political organization was a fragmented political system anchored on clan basis, and characterised by three institutions namely, the *Ovie* – (Priest-King), the *Edion* – (legislative council), and the *Itu* – (age-grade system). Within the clan political unit which is an association of numerous settlements, these three institutions were responsible for the day to day administration of the typical Isoko settlement as they addressed matters of general governance, issues of justice, land allotment and use as well as the general well-being of all members of the settlement. J. W. Welch has suggested that the prestige and powers of the *Ovie* varies from clan to clan, such that, in clans with origin links to Benin, it was not uncommon for a new *Ovie* to have his investiture confirmed by the Oba (king) of Benin. On the other hand, in non-Benin related clans, the *Ovie* was either a king with great authority or one who was a priest-king limited by constant consultation with the *Edion* – clan legislative council to govern effectively. In each case, the kingship was hereditary for life³⁵¹ The *Edion* (legislative council) was made up of nine to twelve members headed by the *Odion Ologbo* (the oldest man), who keeps custody of the clan fetish on which all oaths related to public matters were taken. Essentially, the functions of the *Edion* as a legislative body consulted by the *Ivie* (plural of *Ovie*) included apportioning out clan lands to different families year to year for agricultural purposes; adjudication of all cases; appointing of the close season for fishing,

³⁵⁰ E. J. Alagoa, "Long Distance Trade and States in the Niger Delta." *Journal of African History*, Vol. 11, No. 3 (1970): 319-329.

³⁵¹ J.W. Welch, 'The Isoko Tribe,' *Africa: Journal of the International African Institute*, Vol. 7, No. 20, 1934, P. 166.

palm-nut cutting and upkeep of the roads and bush paths.³⁵² On the whole, the clan socio-political arrangement was the final authority in the decision making process, handling together the separate judicial, executive and legislative functions. However, the clan socio-political system was replicated at the individual village level, so that in essence, precolonial Isoko governmental system was one in which each village or settlement was governed by the oldest man assisted by a village council and together, they were responsible for law and order. It was at the village level that, the day-to-day process of ordering the lives of the peoples of each community was performed.

Religious beliefs and practices also played a significant role in Isoko society, with oracles and malevolent spirits having abodes in trees, ponds, lakes and the forest, thought to be interested in the affairs and welfare of man, and thus requiring regular propitiation through offerings of various kinds, including human sacrifice.³⁵³ The mention here, of Isoko religious practices is significant in relation to their encounters with the British as indicated hereafter. The two dominant belief systems in Isokoland when the British arrived were witchcraft and the Eni Witch finding Oracle.³⁵⁴ Witches were thought to be in contact with evil forces, and imbued with powers to visit their supposed enemies in spirit form, at night and either kill or inflict ailments on such enemies through their witch powers. To tackle this ordeal of witchcraft, precolonial Isoko relied on the Eni Oracle at Uzere clan. It was part of the local people's political and social value system. It was a problem solving one, which invariably suffered as the imposition of British colonialism accelerated in the nineteenth

³⁵² Obaro Ikime, 'Traditional Government and Justice Among the Urhobo and Isoko of Delta Province, Nigeria,' *Nigerian Journal of Economic and Social Studies*, Vol. 7, No. 3, 1965.

³⁵³ J. W. Hubbard, 'The Isoko Country, Southern Nigeria,' *The Geographical Journal*, Vol. 77, No. 2, 1931, P. 117.

³⁵⁴

century. When the British arrived in Isoko areas, this witch-finding and punishing oracle, which performed on the shores of Lake Uzere and attracted Isoko believers and pilgrims from neighbouring Ijo, Urhobo and Itsekiri areas was in full bloom.³⁵⁵ The witch-finding process involved the Ovie of Uzere, who played a central role as its priestly-king directing affairs. As demonstrated later in this chapter, the twin matters of witchcraft and witch-finding and punishing were the catalysts for punitive actions of Great Britain in the Isoko country. A need to stamp out this practice, which was considered repugnant and inhumane, influenced British use of force against the Uzere in the early twentieth century. However, this came about only after the British had earlier used the sole treaty with the Owe clan as a first step to gain control and consolidate their grip with the establishment of Native Courts in several aspects of the Isoko territory. At this point, understanding early Isoko contacts with Great Britain illuminates the discourse in relation to the subsequent episodes of treaty-making, consolidation, and punitive actions. Doing so will show that violence was a final, but largely isolated British strategy in the region as a follow up measure to enforce treaty obligations, a treaty which was largely concluded peacefully.

7.2 British Contact and Influence

The essence of understanding Isoko early contacts with Great Britain in particular, was to contextualize why it took long for officials of the imperial power to visit the territories of the Isoko in their treaty-making episodes. Early contact and subsequent influence of Europeans on such a decentralized people as the Isoko did not follow a similar trajectory as that of her neighbours, particularly the Itsekiri and the Ijo, which began from the late fifteenth century.

³⁵⁵ NAI, CSO 26, No. 27990, Intelligence Report on the Uzere clan, 1931; R.E. Bradbury, and P. C. Lloyd, *The Benin Kingdom and the Edo Speaking Peoples of South-Western Nigeria: The Benin Kingdom; The Ishan; The Northern Edo: The Urhobo and Isoko of the Niger Delta, with a Section on the Itsekiri* (London: International African Institute, 1957), P. 163; Obaro Ikime, *The Isoko People A Historical Survey* (Ibadan: University Press, 1972).

Unlike the Itsekiri and Ijo, the Isoko as hinterland people did not attract early visits by European travelers; as such traveler accounts in the forms we know of the other two groups are scant.

For instance, in '*Up the Niger*,' the narrative of Major Claude MacDonald's mission to the Niger and Benue rivers in 1889, reference is made to the Isoko as 'about the Agabos, little is known at present. They are not a large tribe...they speak a distinct language and appear to be industrious agriculturalists and oil producers.'³⁵⁶ In this instance, MacDonald and his party did not visit the Isoko country. Most likely, they must have derived this information about the people from the Ijo and Aboh along the banks of the Forcados and Niger Rivers. Moreover, even though the territory of the Isoko is traversed by numerous creeks and streams, these did not provide direct access to the coast. Because of this, in the slave trade era, the Isoko essentially remained an unknown hinterland group, without having had direct contact and dealings with Europeans, and only came into the picture of contact as the palm oil trade and colonisation gained prominence.

In the slave trade era, the Isoko suffered in the hands of the Ijo, who raided them for slaves and sold them to Europeans at the coast. Some details of such slave raids are recounted in the oral traditions of the clans, as recorded in the intelligence reports on the riverine Erowha group close to the Patani area. Wars with the Mein Ijo and the Kumbowei and Kabowei Ijo over slave raids are given as reason for the movement of Isoko groups inland away from the shores of the Forcados River.³⁵⁷ The Isoko were also engaged in inter-

³⁵⁶ Agabo (Igabo) was the Ukwuani term for the Isoko, and Macdonald and his crew must have picked it up at Aboh. See, Mockler-Ferryman, *Up The Niger Narrative of Major Claude Macdonald's Mission to the Niger and Benue Rivers, West Africa* (London: George Phillips and Son, 1892), p. 250.

³⁵⁷ NAI, CSO 26, No. 27993, Intelligence Report on the Erowha-Umeh clan. The intelligence report on the Kabowei-Kumbowei clans also refer to Ijo slave raiding activities. See NAI, CSO 26, No. 26805, Rutherford, J.

community wars and raids against one another in the slave era. The plausibility of this somehow rests with the Aboh Kingdom to the east of the Isoko which was one of the leading trading states of the Delta both in the slave and palm oil eras, and it was likely that the Isoko clans and their settlements close to it such as Aviara and Uzere had commercial relations with Aboh. Indeed, Whitney Forster has noted that the Olomoro (Isoko) after a successful foray against Owe (Isoko), sold captives at Onya, an Aboh settlement.³⁵⁸ This is more likely because, Asaba-Ase, an Aboh settlement on the mouth of the Ase River and close to these Isoko clans and the Ijo settlement of Abare are bilingual even today, speaking Aboh and Isoko languages. There is no doubt that contact between the two groups must have been robust and of considerable antiquity.³⁵⁹

The change from slave to palm oil in the nineteenth century brought with it, both economic benefits to the Isoko and increased interest and exposure to Great Britain's imperial machinations. Isokoland harboured the oil palm tree growing in wild profusion, and with their expertise and dexterity in climbing up the palm tree, collecting the palm nut and processing it into oil and kernel, the Isoko played a relatively considerable role in the emergent palm oil trade as producers. Essentially, Isoko oil and palm kernel found their way to the trading stations of Aboh and Patani.³⁶⁰ Nevertheless, in the closing years of the nineteenth century, with the gradual decline of the slave era and the onset of the forest trade

W. C., Assessment Report on the Kabowe – Kumbowe Sub-Clans of the Okita Clan of the Westen Ijo Sub-Tribe, 1929; Whitney P. Foster, 'Pre-Twentieth-Century Isoko: Its Foundation and Later Growth,' *African Historical Studies*, Vol. 2, No. 2, 1969, P. 290.

³⁵⁸ Whitney P. Forster, 'Pre-Twentieth-Century Isoko: Its Foundation and Later Growth,' *African Historical Studies*, Vol. 2, No. 2, 1969, P.291.

³⁵⁹ This may not be unconnected also with the fact that some of the early Isoko immigrants such as the Erowha, Uzere, Aviara, and Okpe settled by the banks of the Ase and Forcados Rivers before moving inland.

³⁶⁰ S. Aghalino, *Isoko under Colonial Rule, 1896-1949*, Unpublished Masters Dissertation, University of Ilorin, Nigeria, 1993; According to Whitney Foster, by the early twentieth century there were several European firms in direct contact with the Isoko at Ivrogbo, Asaba Ase, and Patani.

era, it was not long before the Isoko people and their territory experienced both intrusion and later greater influence of Great Britain's officials in their affairs.

7.3 Treaty-Making and Establishment of Control

The Isoko became like the other groups of this study, victims of Great Britain's shift from informal to formal empire. The need to open up the interior for raw materials and international trade assumed the dimension of acquiring and annexing territories, buoyed in part by inter-European fears and rivalries. The wider background to an understanding of Whitehall and Westminster's disposition to look more favorably than hitherto to colonial acquisition has been discussed earlier in chapter one.³⁶¹ Nevertheless, as indicated next, the imposition of Great Britain's political control on the Isoko from 1896 affected the traditional social and political structures and norms of the people. However, in this instance as with the other groups of this study, treaty-making, and the subsequent establishment of governance institutions in the form of Native Courts by Great Britain in Isokoland, subsumed the political and judicial sovereignty of the people under the total control of Great Britain. As demonstrated, instances of military patrols and punitive actions were post treaty-making developments ostensibly embarked upon by representatives of Great Britain to achieve consolidation by bringing a few trouble spots under control in line with earlier concluded treaty obligations.

The accelerated inroads made by officials of Great Britain into the hinterlands beyond the coasts in the Western Delta continued unabated after the Berlin Conference of 1884-85,

³⁶¹ For perspectives on trade and commercial considerations for British expansion, see P. J. Cain and A. G. Hopkins, 'The Political Economy of British Expansion Overseas, 1750-1914,' *Economic History Review*, 33, 1980. The fear of German imperial activities in Africa and Franco-German rapprochements alarmed Britain in the days leading up to the Berlin Conference cf. TNA, F. O. 403/46/24, Granville to Malet, 14 October, 1884; R. Robinson, and J. Gallagher, with Alice Denny, *Africa and the Victorians: The Official Mind of Imperialism* (London: Macmillan & Co., 1961).

which provided for effective occupation as one of the resolutions for the imperial powers. Consequently, and as has been discussed concerning the Urhobo in chapter five, officials of Great Britain craved to deal with hinterland groups directly. With the appointment of Claude Macdonald as Commissioner and Consul-General for the Oil Rivers Protectorate in 1891, the tone was set for the extension of Great Britain's influence into the hinterlands beyond the coastal Itsekiri and Ijo territories, with visits by officials of Great Britain to Isoko and Ukwuani territories. These visits were encouraged by the FO as a means to gain the trust and confidence of locals, to develop good relations, foster trade, and for treaty-making.³⁶² They were also designed to bypass the middlemen Itsekiri and trade directly with the oil producing groups to which the Isoko belonged.³⁶³ As discussed in chapters four and five, British desires to trade directly with hinterland groups in the case of the Urhobo, strained relations with the Itsekiri merchant Nana, who saw his control of the hinterland oil markets slipping out of hand, and subsequently reacted by disrupting trading activities on the Ethiope River. The consequence of Nana's action was the punitive expedition against him in 1894 by the constabulary of the Niger Coast Protectorate, which in the eyes of the agents of Great Britain was a move to safeguard the treaty of 1884. The provisions in this treaty stipulated the development and safeguard of the resources and commerce of the Itsekiri country.³⁶⁴ Subsequent explorations into the Western Delta hinterlands under Macdonald followed the establishment of Warri and Benin River Vice-Consulates. These two districts and together with Sapele in the closing days of 1891 became the staging posts for not only

³⁶² TNA, F. O. 2/99, Foreign Office Despatch, No. 19, 5 March 1896.

³⁶³ See TNA, F. O. 84/2111 for Gallwey's Report on his tour of the hinterlands, 1891.

³⁶⁴ The first treaty with the groups in this study was in July 1884 with the Itsekiri, in which chief Nana affixed his mark as Governor of the Benin River. In the second treaty with the Itsekiri of 1894, Nana did not sign as he was too afraid to come for the ceremony. He was subsequently deposed and exiled. See, NAI, CSO 5/1/10, Treaty between H.M. The Queen and the Chiefs of Jakri (River Benin), 16 July 1884; NAI, CSO 5/2/9, Treaty with Chiefs of Benin River and Jekeri Country, 2 August, 1894.

penetration but the gradual establishment of administrative structures, as the various vice-consuls preoccupied themselves with peaceful tours to map out and have better knowledge of the interior as part of a wider cultural project, conclude treaties with the peoples and convince them to trade directly in oil palm produce with the agents of Great Britain.³⁶⁵

As indicated in chapter five, Vice-Consul H. L. Gallwey emerged as a key figure in the hinterland push. As the man on the spot driving the imperial process at this time, he was the first official to establish contact with the Urhobo and later with the Isoko when he toured their territories in 1891. As has been noted, the purposes of these visits were to gain knowledge of the hinterlands and its peoples, assess trade opportunities and prepare grounds for treaty-making. The conclusion of numerous treaties in the case of the Urhobo, beginning from 1892 with the Abrakar group underscores the importance of these visits. For the Isoko, it seems the visits were brief and superficial, given that by 1896, the British still had little knowledge of the social structures of the people. Thus, it took much longer for any form of consular and administrative presence to be established in Isoko areas. This delay may also have been due to the boundary and jurisdictional disputes which reared up between the protectorate government and the Royal Niger Company between 1889 and 1894 over who had the right to administer certain territories on the Forcados and the hinterlands.³⁶⁶ In the event, further visits to Isoko and Ukwuani areas were suspended until the differences between the RNC and the protectorate were resolved after Sir John Kirk's investigation. He

³⁶⁵ TNA, F. O. 84/2111, Macdonald to Foreign Office, 21 May 1891.

³⁶⁶ TNA, F. O. 84/2111, Macdonald to Foreign Office, 13 June 1891; This dispute most likely delayed visits to the Isoko areas until the closing years of the nineteenth century.

suggested boundary adjustments, which placed the territories on the right bank of the Forcados River under the protectorate, and those on the left under the Company.³⁶⁷

From indications, the presumptions of officials of Great Britain that the hinterland was all about the Urhobo areas also delayed further movements into the interior. Little was known of the Isoko as a separate people even though their palm oil was already finding its way as earlier noted, to the trading stations at Aboh and Patani. The various tours from the vice-consulates at Warri and Sapele in the intervening years got to only one Isoko town, Owe (Owe clan), where a protection treaty was concluded on 31 August 1896. Essentially, the treaty-making party consisted of an interpreter, a messenger, a guide, all of whom were Africans and who in most cases signed as witnesses, and one or two consular officials who directed the process. It is debatable like in the other treaty-making episodes of this study if, the chiefs and leaders of the Isoko understood the contents of the treaty they signed given that it is probable that the African interpreters may not have been able to convey the full meaning and import of the substance of the words inherent in the treaties to the people. It seems likely that the people understood the treaty as a trade document. Nevertheless, such challenges and irregularities did not affect and stop the processes of treaty-making with the groups of this study by the agents of Great Britain within the period under review.

Thus, in 1896, visits were arranged into the hinterland Urhobo and Ukwuani (Kwale country). In one of these visits, Hugh Lecky, an Assistant District Commissioner under Ralph Moor, as another man on the spot, shaping the colonisation process, got to the Isoko

³⁶⁷ TNA, F. O. 2/64, Macdonald to Foreign Office, 12 October 1894; TNA, F. O. 403/316, Kirk to Kimberly, 30 June 1895.

settlement of Owe in August, and concluded a treaty with the people.³⁶⁸ This treaty remains the only treaty with any Isoko group. Why the agents of Great Britain concluded only one treaty with the Isoko cannot be easily explained. However, one can conjecture that it may have been connected with their failure to recognise the Isoko as a distinct group, and the much farther journeying required getting to the Isoko areas from the Consular posts at Warri and Sapele. The British clearly assumed that the Isoko and Urhobo were one and the same people, due to the close relationship of the two languages and cultures. Whatever shortcomings there were, it did not stop the agents of Great Britain from taking steps to begin the process of bringing the Isoko under their control. Importantly though, the failure to know more about the people and engage in robust treaty negotiation may be a key factor in later violence.

As demonstrated in previous chapters, treaty-making in itself and with all the legalities of sovereign and political rights it bestowed on officials of Great Britain, did not lead to the desired achievement of the end which was to subsume the people totally under the control of Great Britain. Immediate follow up actions by the imperial power was always the establishment of administrative and governance machineries in the form of Native Courts to regulate affairs of the people. The attendant effect of the establishment of these courts was that, it marked the second step after treaty-making on the consolidation of imperial political, judicial and religious institutions on the Isoko, and the gradual but effective reduction of their independence, as their social and political structures were altered as formal institutionalization of imperial rule took roots. But the significant point to be noted here and

³⁶⁸ The visits to the hinterlands began in April 1896, while the treaty with Owe was concluded in August of same year. See, TNA, F. O. 2/101, Ralph Moor to Foreign Office on the tours, 18 July 1896; TNA, F. O. 2/101, Lecky to Acting Commissioner Moor on his visits, 14 September 1896; TNA, F. O. 2/102, Lecky to Acting Commissioner, 14 September 1896.

in the other cases of this study is that, the provisions of the treaties which contained clauses directing the people to not only place their territories under the protection of Her Majesty, the Queen, but also to refer local matters and disputes of social and political nature to the officials of Great Britain for settlement, represents an erosion of the independence of the people and their ultimate subjugation, and colonization by Great Britain.

At this point, it is imperative to examine the treaty with Owe in relation to how it was concluded and provisions therein within the context of the discourse of peaceful colonisation through treaties. The treaty with the Isoko Clan of Owe, was the only one concluded with any Isoko settlement by officials of Great Britain. Obaro Ikime has suggested and quite plausibly so that, the rest of Isoko country could said to have come under the eventual control of Great Britain through default.³⁶⁹ This treaty, quite typical in form with the earlier treaties concluded with the Itsekiri and Urhobo groups, begins with a title and contained nine articles as follows:

The title of the treaty was ‘Treaty with Chiefs of Owe’. In similar pattern as the treaties with the Itsekiri and the Urhobo, Article one as usual expressed the desire of Her Majesty the Queen of Great Britain and Ireland, Empress of India to comply with the request of the Chiefs and People of Owe to extend to their territory the authority and jurisdiction of Her Majesty, and also Her gracious favour and protection. Given this was a set treaty form; this does not mean that the Owe or the Isoko as a group, asked for the protection of Her Majesty the Queen. Article two expressed the agreement of the Chiefs of Owe from entering into any form of contact, bond and Treaty with any other foreign power without consulting first and getting approval from Her Majesty’s government to do so. Again, as with the other treaties with the other groups of this study, this clause clearly subsumed the diplomatic,

³⁶⁹ Obaro Ikime, *The Isoko People A Historical Survey* (Ibadan: University Press, 1972).

political and sovereign rights of the Chiefs of Owe and placed them under the authority of the agents of Great Britain. Article three gave powers to imperial agents to exercise full and exclusive rights over criminal and civil matters, and over matters concerning British subjects and their properties, including foreigners enjoying British protection. This clause was interesting in view of the later actions of the agents of Great Britain as it concerned matters of criminality and attempts made to stamp out so called trouble areas. Article four, requested the natives to submit all internal and external disputes which cannot be settled amicably to British Consular officers for jurisdiction, arbitration and decision. Clearly, this was a subtle way of taking over the judicial powers of the indigenous chiefs and the subjugation of their traditional institutions under the control of the agents of Great Britain. Article five further stressed, matters of administration of justice, development of the resources of Isokoland, development of peaceful trade and the enthronement of general peace, order and good government for the progress of civilization. In this instance, the Chiefs of Owe supposedly agreed to assist British Consular Officers in achieving the set objectives. Article six provided for citizens of all countries to freely carry on trade in very part of Owe, where they also had the right to own houses and build factories. Article seven addressed matters of the Christian faith, permitting all ministers of the religion to reside and exercise their calling within the territories of the Owe unhindered, and with full protection guaranteed by the Chiefs of the territory for the said ministers. It goes further to advocate for the free exercise of all forms of religious worship and beliefs within the territory without hindrance. This last clause was quite interesting in relation to subsequent developments in Owe and Isoko land in general. Clearly, this provision was not designed to consider the religious beliefs and practices of the indigenous peoples. Article eight was crossed out. This was done ostensibly because; it

pertained to matters of shipwreck and the obligation of the people to safeguard crew and goods. As an inland people, the British obviously felt this proviso did not apply to the Isoko. The last article nine, outlined the effective date of operation of the treaty, and was followed with the place and date of conclusion which was at Owe on the 31 August 1896. Hugh Lecky as Assistant District Commissioner, Benin District, signed on behalf of the Protectorate government. From all indications, he must have negotiated the conclusion of the treaty with the people. A Captain Crawford also signed for the Niger Coast Protectorate Force, while nine indigenous chiefs, including Ogwara, Afajoma, Bedwa, Egbeda, Amotieruwa, Anofani, Afetuja, Amugelie, and Ojoya signed on behalf of the Owe, affixing their X marks. A corporal Opwenia also affixed his X mark as witness to the events. He was most probably an African non-commissioned soldier of the Niger Coast Protectorate Force.³⁷⁰ The treaty with Owe, in content and character was similar to earlier treaties concluded with the Itsekiri in 1884, and with the Urhobo of Abrakar in 1892. Apparently, with this single treaty Isokoland was subsumed under the control of Great Britain and effective colonisation was achieved through the gradual establishment of civil institutions. The significance of this single treaty with a few powerful local leaders' rests on the knowledge that it imbued imperial officials with the needed tonic to interfere in the internal affairs of the people.

As in the case of the other groups of this study, conclusion of treaties was often followed with increased British presence administratively. Thus, by 1896, Natives Courts with Africans presiding had replaced earlier Courts of Equity and Consular Courts in the Warri and Benin River Districts of the Niger Protectorate, while by 1905, ninety one Native Courts were established and operating in the whole of the Protectorate of Southern

³⁷⁰ TNA, F. O. 2/168, Treaties with Chiefs of Owe, Treaties. West Coast. Part II, 1891 – 1898.

Nigeria.³⁷¹ In Isokoland in particular, a Native Court was established at Uzere, the home of the Eni Oracle in 1904, while another was established at Iyede in 1905.³⁷² In doing this, the British admonished the people to settle their disputes in the European way rather than in their own indigenous ways, thus further taking away the peoples' political and judicial rights and placing them under the control of the institutions of Great Britain.

It must be noted that by 1899, the Charter of the RNC was revoked and the territories it formally administered in the Lower Niger were handed to the Niger Coast Protectorate, so that henceforth from 1900, all of the areas of this study were subsequently placed under the new Protectorate of Southern Nigeria with Sir Ralph Moor as High Commissioner. Also, the Protectorate was subsequently divided into Western, Central and Eastern Divisions with the study areas under Western and Central divisions. In particular, Isokoland was placed under the Agberi District of the Central Division with headquarters at Warri.³⁷³ In April 1900, twenty proclamations were enacted which were considered essential for effective administration of the protectorate. This followed the repeal of the Africa Order in Council of 1889, which was the existing instrument of administration of the Niger Coast before the inauguration of the Protectorate of Southern Nigeria in 1900.³⁷⁴ Amongst these twenty laws, the Native Courts Proclamation legalized and also formalized the earlier existing Consular and Native Courts, while a Supreme Court Proclamation Law established a Supreme Court for the Protectorate, having the same jurisdiction as far as local circumstances permitted, as is

³⁷¹ UK Parliamentary Papers (PP), Cd. 2684-58, *Colonial Reports: Annual, No. 512, Southern Nigeria*, 1905, P. 34. In 1887 – 88, Acting Consul Harry Johnston established governing councils for courts of equity along the coast aimed at dispute settlement. See, TNA, F. O. 84/1828, Johnston to Foreign Office, No. 18, 24 September 1887.

³⁷² TNA, C. O. 591/2, Report on the Agberi District for Quarter ending 30 June 1904.

³⁷³ See, *The London Gazette*, 5 January 1900, P. 72.

³⁷⁴ UK Parliamentary Papers (PP), Cd. 431-7, *Colonial Reports: Annual, No. 315, Southern Nigeria, 1899 – 1900*, P. 14.

vested in the High Court of Justice in England. Though, evidence is not available of any kind of negotiations with local chiefs on the constitution of the Native Courts, some interesting points with direct bearing on British – Isoko relations and by extension the other groups of this study are discernible from the provisions of the Native Courts and Supreme Court Proclamations. In the first instance:

The native courts were constituted to exercise jurisdiction over criminal and civil matters in which cases wherein natives only are concerned can be disposed of by natives under the supervision of a District Commissioner who is ex officio President of all Native Courts in his district.³⁷⁵

In the second instance, regarding the Supreme Court, it contained provisions to the effect that:

Its terms should not deprive the court of the right to observe and enforce the observance, nor should deprive any person of the benefit of any law or custom existing in the Protectorate and not repugnant to natural justice, equity and good conscience. This law was supplemented firstly by the ‘Commissioner’s Proclamation,’ by which subjects to limits therein specified, the jurisdiction of the Supreme Court was conferred on District Courts, and secondly by the Criminal Procedure Proclamation, which is binding on the Supreme Court and the District Court.³⁷⁶

What can be deduced from both provisions above was that first, the Native Courts functioned not only as judicial organs, but were defacto local government authorities vested with powers to institute policy, prevent crime, maintain law and order and initiate and implement other programmes for the well-being of its areas of jurisdiction. This much was captured in Ralph Moors despatch to the colonial office in 1903.³⁷⁷ Secondly, the need for the district officer to supervise the Native Courts removed whatever independence indigenous leaders would have had. Clearly, the focus on Native Courts by this time, unlike

³⁷⁵ TNA, C. O. 588/1, The Native Courts Proclamation, 1901.

³⁷⁶ The provisions of the Native Court Proclamation and the Supreme Court Proclamation are spelt out in the annual reports of 1900. See, TNA, C. O. 1071/342, P. 15.

³⁷⁷ TNA, C. O. 520/8, Ralph Moor to Colonial Office, No. 16, 7 January 1903.

earlier treaties with the Itsekiri and Ijo, reflects wider changes in the colonisation process since the 1860s. From the 1900s, trade had been consolidated, so that, more energy and resources were put into actual colonisation in the form of establishment and strengthening of institutions such as, justice systems to achieve total political and sovereign domination which hinged on the treaties.

In its powers and operations and guided by the district commissioner, the Native Courts subsumed the judicial, executive and legislative functions of indigenous social and political system under the control of the officials and institutions of Great Britain. It was a reflection of the transposition of the legal, judicial and political ideas of Great Britain and indeed Europe discussed in chapter two, on the indigenous people. So that, with the conclusion of treaties and establishment of administrative organs in the form of the courts, the indigenous peoples were expected to conform with European ways by dispensing justice not through traditional means which meted out punishment in such ways as blinding thieves, and killing of witches.

British authority to set up courts came from the 1896 treaty, which, in article three, provided for the officers of Great Britain to have full control over civil and criminal matters. Thus, together, the provisions of the Native Courts and Supreme Courts Proclamations of 1900, gave the officials of Great Britain the needed leverage and tonic to put in place appropriate institutions for the effective colonisation of Isokoland. In this context therefore, it is not out of place to suggest that the cases of punitive actions taken against aspects of the Isoko were ostensibly to put stops to what were regarded as repugnant practices such as the Eni witch finding Oracle and the blinding of thieves. Indeed, as A. E. Afigbo has noted, the British believed that the traditional social and political systems and processes of different

Nigerian peoples contained many abuses and obnoxious practices which could not be tolerated by them, and thus such practices could only be abolished under the guidance of their officials who oversaw local administration.³⁷⁸ Clearly, such British perspectives at a time colonisation was being consolidated resonated with the European ideas of racial, cultural and legal superiority discussed in chapter two as the foundations of imperialism. To all intents and purposes, the patrols of the early twentieth century in Isokoland were instituted not necessarily as a first step towards bringing the Isoko areas under British control, but were follow up measures taken after treaty-making and the establishment of civil institutions for control and administration of Isoko territories in line with British judicial and political practices.

7.4 Post Treaty-Making Developments in Isoko

There is no doubt that during expansion, clashes were bound to occur between indigenous systems and the imperial imposition. While such confrontations varied in each of the case studies, its dimension in Isoko – British relations was noticeable in the aspect of the socio-cultural practices of the people. As noted earlier, in some Isoko settlements, the fusion of political and social authority was vested in the priestly *Ovie* (king), as was the case with the Uzere Clan. Thus, in the encounters between the Isoko and officials of Great Britain, it was not long before the processes of indigenous religious and other practices of some clans pitched indigenous authority against the expanding British as they set out to acquire and effect control and consolidate their hold on the areas. In this case, the treaty processes also suggest that British control might have been more superficial given that only one treaty was concluded with the Owe, and non with the Uzere, a different clan. Inherent in the socio-

³⁷⁸ A. E. Afigbo, 'The Consolidation of British imperial administration in Nigeria 1900-1918,' *Civilizations*, Vol. 21, No. 4, 1971.

religious system of the Isoko were, vital ritual and judicial practices prominent amongst which was the witch-finding and punishing oracle called 'Eni' at Uzere clan.

In the case of the Isoko, military action was engendered by reactions to treaty violations (as were the instances with the Patani and Nana episodes of 1887 and 1894 respectively). It must be emphasised that, the treaties the officials of Great Britain concluded with the various peoples of this study contained clauses which laid down terms for free trade, peace, order, administration of justice, good government and the general progress of civilization. Even though these were apparently European ideas, alien to the indigenous peoples, and understood only by the officials of Great Britain, once concluded, the treaty provisions imbued imperial officials on ground with legal and political rights to assume control of the affairs of the indigenous peoples at different times in the colonisation process. It was in this vein, that officials of Great Britain took actions against the Isoko of Uzere, to abolish their indigenous religious practices, which in the estimation of the British, as has been noted by Afigbo, were considered obnoxious, against efforts to enthrone order and inimical to the administration of justice in line with British practices. Clearly, such self-imposed rights ostensibly derived from the treaties, were exercised freely in British relations with the various indigenous groups not excepting the Isoko.

In precolonial Isokoland and by extension the land of the neighbouring groups to be accused of wizardry and witchcraft were considered heinous and was a tag that was dreaded by all and sundry. In his study of the Eni Trials using the oral traditions of the Isoko, Felix E. Oghi has suggested that, to be indifferent to accusations of witchcraft and wizardry meant that the accused had accepted guilt, but that where the accused pleaded innocence, then trials

had to be conducted.³⁷⁹ Thus, in the late nineteenth century, trial by ordeal of supposed witches and wizards at Eni-Lake of Uzere clan in Isoko had become popular, attracting adherents from the neighbouring Urhobo, Itsekiri and Ijo groups.³⁸⁰ What was playing out in pre-colonial Isoko and other Delta groups was an age old indigenous religious practice. It was a practice in which, divinities and gods – considered as infallible, especially in matters of adjudication concerning witchcraft and wizardry - functioned as guardians and protectors of the people. Matters of witchcraft and wizardry were considered impossible to be unraveled by mere humans. As such, the Uzere Eni Oracle, a social institution for detecting witchcraft and wizardry operated as a bridge between the people and the gods, with the Ovie (priest-king) at the apex of its operations, as has been indicated earlier in the social and political system of the Isoko.

Essentially, the operational process of the Eni witch-finding and punishing oracle involved a one stop judgement without room for appeal, in which the accused persons were transported in a boat to the center of a lake at Uzere. The accused were then asked to jump into the lake and swim towards the Ovie (priest-king) who was ashore and directing the whole process. It was believed that those who were innocent would swim successfully towards the priest, while the guilty ones would drown and die, drawn to the bottom of the lake by the power of Eni, believed to inhabit the lake. This trial by ordeal also involved a payment of a certain amount by those accused but claiming innocence, as cost for undergoing

³⁷⁹ Felix E. Oghi, 'Abolition of Trial by Ordeal at Eni-Lake, Uzere, Delta State of Nigeria, 1903: A Reconsideration,' *AFFREV IJAH An International Journal of Arts and Humanities*, Vol. 2, No. 1, 2013.

³⁸⁰ According to Whitney P. Foster, the Eni Oracle was widely known throughout the Lower Delta and that all clans visited in Isoko, Urhobo and even among the Patani Ijo looked upon the Eni Oracle as worthy of great respect, and that by the turn of the century, the Eni served the vital function of detecting witches not only for Uzere and Isoko, but for a wider audience. See, Whitney P. Forster, 'Pre-Twentieth-Century Isoko: Its Foundation and Later Growth,' *African Historical Studies*, Vol. 2, No. 2, 1969, P. 302.

the trial.³⁸¹ Thus, the process was somewhat one of money making for the custodians of the tradition, in this case the priestly class of Uzere. When District Commissioner, Copland Crawford visited Uzere in 1902, he condemned the witch-finding practice, calling it a fraud, doubted its efficacy, insisting that supposed victims who drowned in the lake were actually eaten by crocodiles.³⁸²

By 1902, formal administration had been consolidated in Isoko territories through the Native and the Supreme Courts Proclamations of Southern Nigeria. By this time, officials of Great Britain were keen on stopping the Eni ordeal which was considered inimical to the administration of European style justice. This British perception of the Eni ordeal may be connected with what scholars have characterised as late Victorian and Edwardian attitudes to race, and specific imaginations of African society; a perception of barbarity and human sacrifices which informed the sacking of the Benin Kingdom in 1897.³⁸³ As explained, race and class were employed by imperial powers to mediate relations with indigenous people, in which indigenous cultures were regarded as degenerate, and this was used to justify violence. Hence, in the case of the Isoko and the British, one of the measures considered was the sending in of a patrol to the hinterlands to contain supposed trouble giving areas.³⁸⁴ Thus, in his capacity as High Commissioner, Ralph Moor made efforts to enthrone order and good

³⁸¹ See Felix E. Oghi, P. 139.

³⁸² On his visit to Uzere in 1902, District Commissioner Copland Crawford told the then Ovie (king) of Uzere that the Eni Witch finding process was fraudulent, insisting that victims were killed by crocodiles in the lake. NAI, Cal. Prof. 10/3, Vol. III, Report on Uzere Ordeal, 1902.

³⁸³ C. Bolt, *Victorian Attitudes to Race* (New York: Routledge, 2007); Annie E. Coombes, *Reinventing Africa: Museums, Material Culture and Popular Imaginations in Late Victorian and Edwardian England* (Yale: University Press, 1997).

³⁸⁴ In his proposed plans to visit the hinterlands in late 1902-3 and take care of trouble areas, Ralph Moor informed the Colonial Office that he intended to send in a patrol to amongst others also end the Eni Ordeal. TNA, C. O. 520/15, Ralph Moor to Colonial Office, 22 August 1902. Earlier, on 1st January 1900 the 3rd Niger Battalion West African Frontier Force became the Military Forces of the Protectorate of Southern Nigeria in accordance with the scheme of gradual amalgamation. See, UK Parliamentary Papers (PP), Cd. 431-7, *Colonial Reports: Annual, No. 315, Southern Nigeria, 1899 – 1900*, P. 21.

governance in the protectorate with the abolition of the Eni ordeal as a prime target. Consequently, in Copland Crawford's second visit to Uzere in 1903, this time as Acting Divisional Commissioner of the Central Division, he employed a carrot and stick approach to persuade the Ovie of Uzere to abolish the Eni ordeal. In this instance, the king was offered an annual pension on the one hand, while threatened with punitive action if he failed to abolish the practice on the other hand. The king capitulated and on the ninth of December, the Eni ordeal was declared abolished with a signed resolution to that effect. The resolution abolishing the Eni ordeal was signed by elements from Isoko, Urhobo, Itsekiri and Ijo areas.³⁸⁵ Subsequently, a proclamation outlawing the practice of trials by ordeal, which was found to be a pervasive trend in many parts of the protectorate, was enacted.³⁸⁶

Significantly, the Eni ordeal was eliminated through peaceful diplomacy, and not by military force. Copland Crawford mooted the use of threat, and the Isoko must have been aware of the military power of the British over neighbouring groups such as Nana and the Benin Empire, which perhaps had the effect of persuading the leadership of Uzere to capitulate. Nevertheless, Copland Crawford did not press on with the use of force as a first option to secure the acquiescence of the Ovie of Uzere to agree to the abolition of the Eni ordeal. Tact and diplomacy were employed by Crawford to avoid violence.³⁸⁷ Indeed,

³⁸⁵ TNA, C. O. 320/24, Report of Copland Crawford to Acting High Commissioner for Protectorate of Southern Nigeria, 14 December 1903; TNA, C. O. 520/24, Fosbery to Colonial Office, 15 January 1904.

³⁸⁶ UK Parliamentary Papers (PP), Cd. 1768-10, *Colonial Reports: Annual, No. 405, Southern Nigeria, 1902*, P. 5. The proclamation was called 'Ordeal, Witchcraft and Juju Proclamation, No. 13 of 1903.'

³⁸⁷ How colonial officials were able to maintain a thin white line and hegemony on a shoestring has been discussed by Kirk-Green. See, A. H. M., Kirk-Green, 'The Thin White Line: The Size of the British Colonial Service in Africa,' *African Affairs*, Vol. 79, 1980.

Copland Crawford was rewarded for his peaceful diplomacy in bringing about the abolition of the Eni ordeal by his elevation to the position of substantive Divisional Commissioner.³⁸⁸

Subsequently, the British deployed force in other aspects of Isokoland to bring trouble spots under control. These took the form of military and police patrols from 1904 to 1910. This practice of patrols followed the gradual amalgamation scheme and the streamlining of the military forces of the Southern Nigerian Protectorate after the revocation of the Charter of the RNC in 1899. In Isoko areas, the military patrols and actions were of so mild a nature that to regard them as full military operations is an over-statement. In fact, they were not grave enough to warrant inclusion in the annual colonial reports up to the amalgamation and creation of Nigeria in 1914. As such, Ozoro was partially burnt down when a chief refused to hand over to the agents of Great Britain, men who had been implicated in the murder of a man, while in 1908 a patrol visited Iyede and partly burnt down the town over the driving out of a political officer attached to the Iyede Native Court.³⁸⁹ Subsequently, between 1909 and 1910, further measures were taken by patrol units to stamp out continuous practice of blinding thieves through pouring of boiling oil into their eyes.³⁹⁰ The settlements of Owe, Ozoro and Oleh were notorious for this practice.³⁹¹

It would be tempting from the foregoing episodes of the abolition of the Eni ordeal and the cases of punitive actions cited to conclude that Isokoland was brought under the control of Great Britain mainly through coercion. Clearly, in this one case, treaty-making was superficial, given that only one treaty was concluded with the Owe, and none with the much

³⁸⁸ TNA, C. O. 520/24, Fosbery to Colonial Office, No. 15, 15 January 1904.

³⁸⁹ NAI, CSO 26, No. 27994, R. A. Miller, Intelligence Report on the Iyede Clan, 1932.

³⁹⁰ TNA, C. O. 592/7, Annual Reports: Southern Nigeria, Central Provinces, 1909.

³⁹¹ TNA, C. O. 520/25, Wordsworth's Report on tour to Ozoro, Ofagbe and Oleh (enclosure in Fosbery to Colonial Office, No. 260, 3 June 1904; NAI, CSO, 26, No. 27994, Intelligence Report on the Iyede Clan.

prominent Uzere clan, which posed a bigger challenge to British machinations. In this vein, perhaps, violence was necessary as a follow up measure after treaty-making to achieve consolidation in relation to the events in Ozoro, Iyede, and Oleh in the early twentieth century. Significantly, the episodes above were all engendered by a need to stamp out what was regarded as repugnant in respect of the Eni ordeal and in the other cases, bringing under control a few trouble areas still engaged in practices considered inimical to order and good governance. Indeed, the one and only protection treaty with Owe clan and the subsequent establishment of Native Courts in Isokoland to all intents and purposes, achieved colonisation of Isokoland for Great Britain in 1896, after which steps, hinged on treaty provisions, were taken to stamp out the Eni ordeal and other vices.

7.5 Chapter Summary

In this chapter, the central task was to draw out how the Isoko of the Western Delta were colonised by Great Britain. The chapter demonstrated that the means by which Great Britain gained control of the Isoko was through initial treaty-diplomacy, followed by establishment of governance institutions in the form of Native Courts. These were British styled political and judicial institutions introduced after treaty-making, which legally and effectively took over the political and legislative functions of the indigenous social and political system that had been in place. The need for maintenance of law and order necessitated the deployment of military patrols to pacify trouble areas between 1904 and 1910. When examined within the context of the general Nigerian historiography of British expansion in Nigeria which tends to emphasize Great Britain's use of force or calculated conquest as the overriding means, the evidence indicates that a more peaceful approach was the case in Isokoland, and indeed in the other examples of this study.

Officials of Great Britain did not establish contact with the more hinterland dwelling Isoko as early as they had done with the Itsekiri, Ijo and Urhobo and this perhaps affected how locals responded as they did, compared to other groups. Nevertheless, after the Berlin Conference, contact was inevitable in the face of heightened imperialism and subsequent increased British push into the hinterlands of the Western Delta. Consequently, from the late 1890s, Isokoland was visited by Consular Officers for purposes of mapping out the territories, knowing its land and peoples and ultimately concluding treaties with them. It was in one of such visits by Hugh Lecky in 1896 that, a treaty, which turned out to be the only treaty with the Isoko was concluded with the Owe clan. This treaty set the stage for Great Britain's subsequent occupation of Isoko areas, as the British proceeded to establish other administrative bodies in the form of Native Courts in several parts of Isokoland for greater formal control. Despite having not concluded treaties with other clans, the British extended control to other Isoko settlements on the basis of the Owe treaty. The British clearly just on the strength of the treaty with Owe, incorporated other parts of Isoko under their control by default. Officials of Great Britain regarded the treaty as a transfer of sovereign rights by the chiefs and peoples of Isoko to the British Crown, and subsequently proceeded to establish institutions for formal administration and maintenance of law and order.

The chapter also demonstrated why some military patrols and actions were taken against aspects of the Isoko by the beginning of the twentieth century. The evidence revealed that, as Great Britain consolidated its presence in Isoko territories after the treaty of 1896, it was not long before the traditional systems of the people clashed with the imposed judicial and political systems of the imperial power. This was mainly exemplified in the Eni Oracle, a witch-finding and punishing ordeal at Uzere, one of the clans of the Isoko country. This

practice and others such as the blinding of thieves with boiling oil were considered by the colonialists as repulsive and repugnant. So that, in the spirit of the provisions of the treaty of 1896 and other administrative machineries hinged on the maintenance of law and order which had been set up following the inauguration of the Protectorate of Southern Nigeria, the British stepped in with police and military patrols to stop, what were considered as barbaric practices in trouble giving aspects of Isokoland.

Finally, the summary is that, within the central argument of this study, of the role of treaties as a central means of colonisation, Isokoland came under the effective control of Great Britain in the age of empire not by a calculated and enforced means of conquest through military forces, but by a systematic application of diplomatic means of treaty-making, the employment of tact by officials in dealing with explosive indigenous matters, all designed to legitimize the process and achieve the objective of colonisation peacefully. This was followed quickly with the establishment of political and judicial structures, which represented a transposition of metropolitan laws and governance systems, to which the Isoko were compelled to abide with. In this circumstance, the indigenous political and social structures were subsumed under the control of imperial officials and institutions, losing in the process, their sovereignty and liberties. From the evidence, the conclusion is that, in relation to the epithet to this chapter, the temper and convictions of Consul-General Moor in carrying through expeditions in respect of the Isoko areas at the beginning of the twentieth century were, dictated by a need to check a few trouble spots and place them effectively under the political and judicial structures of governance that were established following treaty-making.

Chapter Eight: The Ukwuani: A Case of Indigenous Agency in Colonisation

In March 1904, a military column patrolled the Kwale country to open it up for trade. This was successfully accomplished by the beginning of May...The patrols and operations were essentially suppressions of risings and troubles against natives, and in the most cases the punitive measures were of so mild a nature as to regard them as military operations.³⁹²

Introduction

Earlier case study chapters have shown clear economic and political reasons why locals chose to cooperate with the British, especially in the era of the palm oil trade. Economically, hinterland groups desired to trade directly with the British to profit from the lucrative trade. The Urhobo (chapter 6) exemplified this in their relations with the British. Politically, Itsekiri internal situation fostered closer links between local chiefs and representatives of the British (chapter 4). Despite been regarded as pirates, the Western Ijo also took advantage of the palm oil trade, with Patani emerging as a trade hub of the RNC, receiving goods from the hinterlands (chapter 6). Even though violence was used in aspects of Isoko in the early twentieth century to curtail what the British regarded as trouble spots (chapter 7), treaty-making followed a similar peaceful process as earlier cases, with cooperation of the indigenous leadership, whom the British through tact, persuaded to abolish the Eni witch ordeal. For the Ukwuani reasons of greater share in the palm oil trade and local internal conditions engendered a need to have direct links with the British, underscoring the suggestion that in some instances, locals facilitated the colonisation process.

³⁹² The column that patrolled the Ukwuani areas were the same group that that had been despatched in January 1904 to quell the Ekumeku uprising in the Asaba area north east of the Ukwuani country. See, UK Parliamentary Papers (PP), Cd. 2684-5, *Colonial Reports: Annual, No. 459, Southern Nigeria, 1904*, p. 50.

Historiographical representations of Ukwuani encounters with Great Britain in the age of empire by historians of Nigeria often begins with episodes of military patrols by the forces of Great Britain and the establishment of administrative offices at Kwale and the Aboh Kingdom under the Native Authority system of the Protectorate of Southern Nigeria between 1901 and 1905.³⁹³ Such representations are mainly derived from reports of the military patrols from the early twentieth century designed to contain, trouble areas and disturbances in some Ukwuani settlements.³⁹⁴ This would seem to support the dominant Nigerian narrative of conquest and represents a portrayal of the people putting up massive resistance to Great Britain's forceful colonisation. But the evidence in this case, as in the other case studies, does not support such a view as a fitting representation of the general pattern of British contact and expansion in Nigeria. Thus, this chapter, shows specifically how Ukwuaniland was colonised by Great Britain, using treaties as a first step and military force as a follow up action to enforce treaty obligations and bring peace to trouble spots. Significantly, it was a process that also involved indigenous agency, a fact that has been intentionally or otherwise untold in the dominant Nigerian historiography, but which is the focus of this chapter.

As in the case of the Isoko in the preceding chapter, Great Britain established contact with the Ukwuani very much later than with the Itsekiri, Urhobo and Ijo groups of this study.³⁹⁵ Great Britain's expansion into Ukwuaniland only began in the late nineteenth century. This late British contact with the Ukwuani in part, rests on the scant understanding

³⁹³ Ojeh Chukwuemeka Ojione, 'The Ukwuani and the Europeans: A Study in European Aggression and African Resistance,' in O. D. Egonwa (Ed), *Abraka Studies in African Arts II The Humanities and Human Capital Development* (Abraka: Delta State University, 2011, Pp. 475-486); Toyin Falola and Michael M. Heaton, *A History of Nigeria* (Cambridge: University Press, 2008); J. C. Anene, *Southern Nigeria in Transition 1885-1906 Theory and Practice in a Colonial Protectorate* (Cambridge: University Press, 1966, Pp. 221-222).

³⁹⁴ From 1904, military columns patrolled the Kwale country to suppress troubles and safeguard the area for trade. See, TNA, C. O. 1071/342, Southern Nigeria Reports, 1896 – 1913, p. 50.

³⁹⁵ In British records, Kwale/Kwali are used to refer to the Ukwuani, indicating a corrupted pronunciation of the word 'Ukwuani.'

of the ethnic and topographical composition of the hinterlands of the Western Delta by officials of the imperial power. It was also shaped by the fact that the upland Ukwuani, unlike their riverine cousins and neighbours, the Ndosumili, with their Abo (Aboh) kingdom, are located in a more difficult terrain on the deltaic swampy tropical rain forest further away from the Niger River, and therefore difficult to reach. This affected colonial contact as well as potential trade. Thus, as has been indicated in chapter five, with the establishment of the Sapele and Warri Vice-Consulates in 1892, these two stations became the staging posts for subsequent inroads into the hinterland Isoko and Ukwuani territories.

Following the deposition of Nana, the Itsekiri chief in 1894, the Niger Coast Protectorate administration naturally set its sights on areas that were still yet to fall under the control of Great Britain. This desire and determination to bring such groups under British control and to open up their territories for trade and tap the economic resources of such areas intensified from 1896 in the form of visits to the Isoko and Ukwuani areas where treaties were concluded with the indigenous chiefs and peoples.³⁹⁶ As in other cases, the conclusion of treaties bestowed on the officials of Great Britain both sovereign and political rights to function as overlords over the indigenous peoples, in accordance with the provisions inherent in the treaties. However, as has been emphasized in previous chapters, the general historiography of Great Britain's expansion in Nigeria is given as a process of attacks, conquest, defeat, and eventual colonisation of the people by the military forces of Great Britain. Again, while this study does not set out to dispute the use of force or threat of its use by the agents of Great Britain in some instances of their encounters with the Ukwuani and

³⁹⁶ From April 1896 two visits were made by Assistant District Commissioner Lecky from Sapele to Ukwuani (Kwale) country. For reports on the visits, see TNA, F. O. 2/101, Ralph Moor to Foreign Office on the tours, 18 July 1896; TNA, F. O. 2/101, Lecky to Acting Commissioner Moor on his visits, 14 September 1896; TNA, F. O. 2/102, Lecky to Acting Commissioner, 14 September 1896.

other indigenous groups in the Niger basin as a whole, it argues that treaty-making and use was a first and central step employed by officials of Great Britain for the colonisation of the Ukwuani as it was with the other groups of this study.

Such a distinction is important, as the Ukwuani case exemplifies. Any question as to why the Ukwuani cooperated in concluding treaties with the British should be understood within the context of indigenous agency and conditions on ground in the periphery as factors in the encounter and colonisation process which has been suggested by some scholars in chapter one.³⁹⁷ In this instance of the Ukwuani, it was not a case of fear of the military might of the imperial power that influenced them to exert their agency on the colonisation process. Rather, the people like the case of the Urhobo in chapter five, consciously welcomed officials of Great Britain to their domain and concluded treaties with them. In this encounter process between the Ukwuani and the British, all subsequent imperial actions after treaty-making were moves by officials of the imperial power to consolidate their grip in territories that were already considered part of empire. Indeed, as the epithet at the beginning of this chapter indicates, the Kwale country was visited by the military forces of Great Britain in the early twentieth century, and as shall be demonstrated more later, these military patrols were mounted ostensibly to restore law and order up to 1914 when the colony and protectorate of Nigeria was eventually proclaimed. Thus, these military patrols must be evaluated within the context of the evolving administrative structures of the Niger areas following first, the takeover of the whole area by the Niger Coast Protectorate government after the abolition of the Charter of the RNC in 1899. From 1900, as the Southern Nigerian Protectorate came into

³⁹⁷ Jon E. Wilson, 'Agency, Narrative, and Resistance,' in Sarah Stockwell (Ed) *The British Empire: Themes and Perspectives* (Oxford and Malden, MA: Blackwell Publishing, 2008); Robinson and Gallagher, *Africa and the Victorians: The Official Mind of Imperialism*.

being, a need to firm up greater control of all the territories necessitated the establishment of more Native Courts and a Supreme Court for the Southern Nigerian Protectorate through proclamation.³⁹⁸

Significantly, the establishment of judicial institutions and the subsequent military patrols must be regarded as moves by officials of Great Britain to function already as de facto political and judicial overlords of the people, who, having signed treaties earlier in 1896, and embraced the Native Courts, ostensibly gave officials of Great Britain the leeway towards repudiating indigenous practices and actions considered repugnant and anti-British. Therefore, it is within the context of this understanding of treaty-making and subsequent British actions that this dissertation evaluates Ukwuani relations with Great Britain in the age of empire, and to establish the place of colonisation through treaty-making and the setting up of governance institutions as central to pacification, rather than the use of force as suggested in some quarters. For a broader understanding of the discourse, the chapter provides an understanding of the early history of the Ukwuani and their precolonial social and political organization. This is to help us gain insights into how their precolonial system related with the British in the encounter process. As in the other cases, the role of the man on the spot shaping the colonisation process as well as knowledge of the people as a way of peaceful colonisation is highlighted to underscore the central place of treaty-making as a non-violent process of Great Britain's colonisation of the Ukwuani within the period under review.

³⁹⁸ With the repeal of the RNC's Laws through the 1900 Company's Regulations Repealing Proclamation, a Supreme Court for the Protectorate of Southern Nigeria was established through Proclamation by the end of April 1900. See, TNA, C. O. 1071/342, Southern Nigeria Reports, 1896 - 1913, P. 15.

8.1 Ukwuani Precolonial Foundations

The early history of the Ukwuani is essential to understanding the early socio-political systems of this group, the peoples' relations with other neighbouring groups, especially the Benin kingdom, and later with Britain. Benin had some influence over the Ukwuani and posed as rivals to the British. The Ukwuani area is located to the north-east of the Urhobo and is bounded by the Benin in the north, the Isoko and Ijo to the south, and their Ndosumili cousins which incorporates the Aboh kingdom to the east. The Ukwuani area is within the deltaic rain forest belt, making the land suitable for farming and fishing, practices the people have been engaged in from time immemorial. Plantain, maize, cocoyam, yam, and cassava were widely produced staple food crops, while fishing activities were confined to settlements close to rivers and streams such as the Ethiope and Adofi rivers. Fishponds, both natural and man-made, owned by lineages, also served as sources for fish production. Subsistent livestock keeping was also a feature of the local agricultural system with chicken, goats and pig as the domesticated livestock. The people also engaged in rubber and palm oil extraction as major economic activities.³⁹⁹

Linguistic and ethnographic studies relating to the early history, inter-group relations and the social and political organization of the Ukwuani have suggested that the Ukwuani share heritage with the Aboh kingdom, but that whereas the Aboh are known as Ndosumili – meaning people of the rivers, a reference to their location close to the Niger River, Ukwuani refers to upland dwelling people.⁴⁰⁰ Cultural and identity formation remains a constant feature

³⁹⁹ J. U. Odili, 'Indigenous Agents and the School Apostolate in Ukwuaniland, 1910-1914,' in *Studia Historiae Ecclesiasticae*, Vol. 40, No. 1, 2014; Alexander A. Nzei, 'Women and Power: A Case Study of the Ndokwa-Igbo Speaking People West of Niger River, Nigeria,' Unpublished M.Sc. Thesis, University of Nigeria Nsukka, 1992.

⁴⁰⁰ E. O. Okolugbo, *History of the Ukwuani and Ndosumili People of the Niger Delta* (Benin City: Ethiope Publishing Corporation, 2004); Ikechukwu Izuegbu, *Otagba-Uno: A Political History (AD 1600-20010)* (Ibadan: Spectrum Books, 2003); Chukwuemeka, Ojeh, 'The Ukwuani and Their Neighbours in Precolonial Times,' in

in intergroup relations in Nigeria. Even though both groups, the Ukwuani and Ndosumili, speak a dialect of the Igbo language, the Igbo being a larger ethnic group to the East of the Niger River, they identify separately as different ethnicities.⁴⁰¹ In this linguistic categorization, Barbara Grimes and Joseph Grimes have noted that the Ukwuani language is a cluster within the Igbo language cluster, but that it is considered as a separate language because of its admixture of Ibo and Benin elements.⁴⁰² This fact is discernible from the origin patterns of the clans that make up the Ukwuani nation as indicated hereafter.

Ukwuani legends as recorded in the colonial intelligence reports of 1931 and 1934 by G. B. Williams and R. S. Mallinson respectively, mentions places of origin and migrations of founder heroes from as far as Igala country in the north, Benin, Igbo across the Niger and even nearby Ijo areas. The varied accounts identify more with origins and waves of migrations from Benin around the fifteenth century and subsequent origins and movements from the Ibo country across the Niger River from the sixteenth century. These waves of migrations probably gave the Ukwuani the admixture of Benin and Igbo traits which characterised their language and political system.⁴⁰³ There is still a third legend of autochthony, reminiscent of the pattern with other groups in this study, and such, refer to proto founders dating into antiquity, suggestive of the notion that, the Ukwuani were among

Benue Valley Journal of Humanities, Vol. 5, No. 2, 2003; M. A. Onwuejeogwu, *Evolutionary Trends in the History of the Development of the Igbo Civilization in the Culture Theatre of Igboland in Southern Nigeria. Ahiajoku Lecture* (Owerri: Ministry of Information and Culture, 1987); M. A. Onwuejeogwu, and N. Okoh, *Distinctive Characteristics of Western Igbo Civilization: A Socio-Cultural Ideology for the Anioma State* (Owerri: Ambik Publishers, 1981).

⁴⁰¹ For a discussion on African identity formation, see, David Northrup, 'Becoming African: Identity formation among liberated slaves in nineteenth-century Sierra Leone,' *Slavery and Abolition*, Vol. 27, No. 1, 2006.

⁴⁰² Barbara F. Grimes and Joseph E. Grimes, (Eds), 'Ukwuani-Aboh-Ndoni: A Language of Nigeria,' *Ethnologue: Languages of the World*, 14th Edition, 2003.

⁴⁰³ NAI, CSO 26, No. 2676184, G. B. Williams, Intelligence Report on the Ibo Speaking Clans of the Kwale Division, Warri Province, 1931; NAI, CSO 26, No. 29300, R. S. Mallinson, An Intelligence Report on the Kwale-Ibo Clans, Warri Province, 1934.

the earliest inhabitants of the Western Lower Niger. In the intelligence reports, the people are referred to as 'Kwale', a corrupted version of 'Ukwuani', and the Kwale would remain a feature of how the people are addressed in colonial records and accounts by European writers up to and even after the independence of Nigeria.⁴⁰⁴ The Ukwuani are made up of fifteen clans namely: Abbi, Akoku, Amai, Ebedei, Emu, Eziokpor, Ezionum, Obiaruku, Ogume, Onicha-Ukwuani, Umuebu, Umukwuata, Umutu, Utagba-Ogbe, and Utagba-Uno.⁴⁰⁵

In precolonial times, the Ukwuani practiced slavery and later engaged in the emergent slave trade. Slaves were procured or captured from the Igbo areas east of the river Niger and sold to merchants at Aboh. The domestic practice of slavery and the subsequent overseas demand for slaves fostered intergroup conflicts between the Ukwuani and their neighbours. However, by the nineteenth century, it appeared that the demise of slavery and the alternative mercantilism of the oil palm trade created broader and more positive intergroup relations between the Ukwuani and other groups, particularly the Isoko and Urhobo. In their studies of the Ukwuani using oral traditions and ethnographic data, E. O. Okolugbo and Alexander Nzei have suggested that, by the time of the palm oil trade, Ukwuaniland attracted Isoko and Urhobo migrants, who with their expertise in oil palm collection and procession, settled in different parts of Ukwuaniland to exploit the emergent trade which flourished and enriched the people. In this process, the contact groups engaged in inter-tribal marriages which fostered cultural diffusion, to the extent that the Urhobo and Isoko languages were spoken

⁴⁰⁴ Forde and Jones referred to the Ukwuani as Ika or Kwale-Ibo. See, Daryll Forde and G. I. Jones, *The Ibo and Ibibio-Speaking Peoples of Southern Nigeria* (London: International African Institute, 1967).

⁴⁰⁵ Unlike other groups of this study such as the Ijo, the intelligence reports did not isolate the various clans, rather they were grouped as Kwale-Ibo as we have noted. The clans as we know them today are from contemporary studies of the Ukwuani. See, P. O. Opone, 'Are the Ukwuanis Benin or Igbo? A Study of Origin and Migration,' *UJAH, Unizik Journal of Arts and Humanities*, Vol. 18, No. 3, 2017; E. O. Okolugbo, *History of the Ukwuani and Ndosumili People of the Niger Delta* (Benin City: Ethiope Publishing Corporation, 2004).

fluently in many parts of Ukwuaniland.⁴⁰⁶ It is perhaps, this characteristic of the linguistic link between the Urhobo, Isoko and the Ukwuani that influenced the agents of Great Britain to categorize the people as one and the same, which most likely, delayed proper visits to the Ukwuani areas until much later, and like the case of the Isoko in the previous chapter, might have led to ignorance on the part of the British on the true identity and social systems of the people, and eventual use of force.⁴⁰⁷

⁴⁰⁶ See, Okolugbo, *History of the Ukwuani...*, 2004; Alexander A. Nzei, *Women and Power...*, 1992.

⁴⁰⁷ What officials of Great Britain considered as Kwale country in their records included so many Urhobo and Isoko settlements, hence getting to Urhobo and later Isoko areas was taken as having reached the Ukwuani heartlands. See, TNA, F. O. 2/101, Hugh Lecky, Report, enclosed in, Ralph Moor to Foreign Office, No. 58, 18 July, 1896.

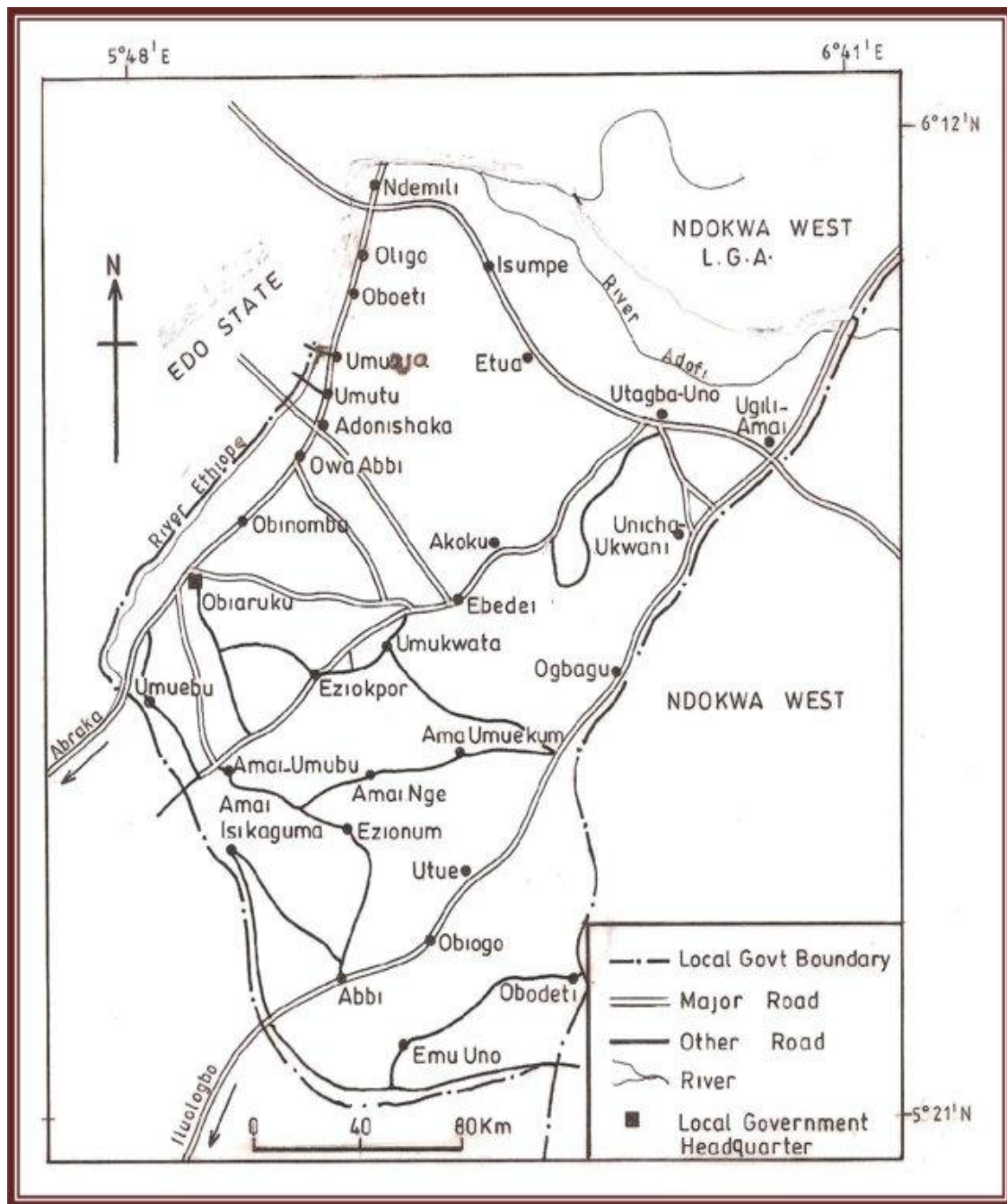


Figure 10. Map of Ukwuani area showing the various Clans and settlements⁴⁰⁸

⁴⁰⁸Innocent I. Weje, *Land Use and Landcover Dynamics in Ukwuani Local Government Area, Delta State, Nigeria*: Available from: <http://www.researchgate.net/project/Publication-Preview-Source>.

It has been suggested that precolonial Ukwuani was an acephalous community, organized around sovereign autonomous settlements weaved together by common kinship and origins.⁴⁰⁹ This political system of the Ukwuani was not one in which a single monarch or chief superintended over all the clans. Thus, despite their affinity with the Benin and its powerful Oba (king), the Ukwuani were generally a segmentary people more like their Ibo neighbours to the east of the Niger where the ordinary folks played significant roles in the day to day administration of the community, predicated upon a pattern of community life revolving around age grade systems, elders and women groups, in which much power was not vested in any particular aspect or group.⁴¹⁰ In such indigenous segmentary political structures, Basil Davidson and F. K. Buah have suggested that its operation involved families made up of grandparents to grandchildren who came together to form a settlement, and as time went by, expanded and broke up into numerous autonomous communities, but were still held together by common descent and loyalty to founding ancestors and forebears. Such links with the eponymous ancestry were maintained by sharing a common group religious belief system, which reinforced togetherness and gave force to common indigenous laws and other mores.⁴¹¹ The significance of such descent and affinity connections between settlements, played out in Hugh Lecky's treaty-making episodes with the Ukwuani as indicated in the ensuing section.

⁴⁰⁹ See, John Chukwuemeka Oluka-Nwaeze, 'The Ukwuani and their Neighbours, 1590-1970,' *Journal of the Historical Society of Nigeria*, Vol. 18, 2009.

⁴¹⁰ Ozah, M. Ozah, *Proudly Ukwuani: A History and Culture* (Lagos: Canal Paper Converters, 2010); Chidi Isaac Egwuenu, *Ndakwa People Yearning for Change of Their Outmoded Traditional Rulership* (Lagos: Raben Publishers, 2000); Basil Davidson and Buah, F. K., *The Growth of African Civilization A History of West Africa 1000 – 1800* (London: Longman, 1971); G. T. Basden, *Niger Ibos* (London: Frank Cass, 1966).

⁴¹¹ Basil Davidson and Buah, F. K., *The Growth of African Civilization A History of West Africa 1000 – 1800* (London: Longman, 1971, P.114).

Essentially, as has been noted recently, in precolonial Ukwuani, there were two levels of political organization: the village setting and that of the village group. In the former, the family constituted the basic unit of political organization whereby, male siblings of lineages and their wives and children made up the household group called *ebo* or *imusu* with the eldest man as the head who kept the *ofa*, a symbol of the family kinship and also as a form of authority.⁴¹² In turn, groups of families congregated to form a village, community or settlement claiming common descent and headed also by the oldest man in the lineage known as *Okpala-Uku*, who doubled as not only the embodiment and representation of the common group leader, but also as the living spirit of the lineage ancestors. When the various families congregated at the village level, it was the *Okpala-Uku* who presided over affairs for the day to day administration of the village.⁴¹³

At the village group or clan level, the structure of political organization was the coming together of groups of villages or settlements that share common ancestry, congregated in a loose federation where matters common to the group were handled by the oldest among the *Okpala-Uku* from amongst the component villages that make up the group or clan. The *Okpala-Uku* remains the head of the socio-political structure in such instances. However, whether at the village or clan levels, the *Okpala-Uku* wielded both spiritual and temporal powers.⁴¹⁴ But, both at the village and village group levels of administrations, the *Okpala-Uku* lacked absolute powers, and he functioned in tandem with other institutions of

⁴¹² Chukwuemeka Ojione Ojieh, 'Interrogating the Democratic Character of Ukwuani Political System: A Study in Indigenous Knowledge Systems and Governance,' in *Abraka Humanities Review*, Vol. 7, No. 1, 2016; G. T. Stride and Ifeka, C., *Peoples and Empires of West Africa, West Africa in History 1000-1800* (Lagos: Thomas Nelson, 1977, Pp. 316-318); Daryll Forde and G. I. Jones, *The Ibo and Ibibio-Speaking Peoples of South-Eastern Nigeria* (London: International African Institute, 1967, P. 15).

⁴¹³ Chidi Isaac Egwuenu, *Ndakwa People Yearning for Change of Their Outmoded Traditional Rulership* (Lagos: Raben Publishers, 2000, P. 19).

⁴¹⁴ Chukwuemeka Ojione Ojieh, 'Interrogating the Democratic Character of Ukwuani Political System: A Study in Indigenous Knowledge Systems and Governance,' in *Abraka Humanities Review*, Vol. 7, No. 1, 2016, P. 101.

the society such as the *Nde-Okwa*- council of elders, *Onotu-Uku*- Premier, and *Ugo*- spokesman of the group at the clan levels to take and arrive at decisions after consultations with the people. Consensus building and binding decision making were integral aspects of the indigenous political system which also carried the hallmark of robust debates, with arguments and counter arguments before decisions were arrived at based on majority views.

Women's groups also featured in Ukwuani political system in which the *Ada*, leader of the women of the community in the person of the oldest female of the community, and a council of female elders called *offashi*, played prominent roles in the administration of the settlement or group.⁴¹⁵(This pattern of governance, of gerontocracy and of the role of women groups was discernible in Lecky's meetings with the people in his treaty-making as shall be highlighted subsequently).Overall, in pre-imperial days the central functions of the Ukwuani indigenous socio-political organization centered on duties which had to do with settlement of internal disputes between and amongst individuals, groups, and villages that made up the clan. The detection of crime and passing of judgment on offenders were also aspects of the responsibilities of the Okpala-Uku and his council of elders and monitoring of the functions and activities of the various age grade groups, which were integral aspects of the governance system of the Ukwuani, in addition to numerous other day-to-day tasks. In sum, this was the structure of Ukwuani political and social system in place during the arrival of the agents of Great Britain to Ukwuaniland, and it was this structure that dictated the patterns of diplomatic and other relationships that transpired between the people and officials of Great Britain in the age of empire.

⁴¹⁵ Alexander A. Nzei, 'Women and Power: A Case Study of the Ndokwa-Igbo Speaking People West of Niger River, Nigeria,' Unpublished M.Sc. Thesis, University of Nigeria Nsukka, 1992, Pp. 109-110.

8.2 Encounters with the British and Treaty-Making

In their contacts with officials of Great Britain, precolonial Ukwuani socio-political system manifested in how the various parts of society perceived and received the imperialists. How the various structural divisions of Ukwuani society welcomed officials of Great Britain was a unique feature of the contact and colonisation process in this instance. On the other hand, officials of Great Britain were always conscious of establishing links with centers of population with greater political control. This was the case as demonstrated hereafter in the treaty-making episode with the Equaiku which the British found out from the people as a big and important settlement.⁴¹⁶ Importantly, within the context of the central argument of this study, these episodes represent forms of colonisation in which the imperial power strived to know more about the people by engaging them diplomatically.

Early inroads by Europeans to anywhere near Ukwuaniland were, the Niger Expeditions of 1841, 1854 and 1857.⁴¹⁷ In these instances, the Expeditions only reached communities close to the Niger River, particularly the Aboh Kingdom, which as noted earlier remains cousins of the Ukwuani, known as the Ndosumili (riverine people).⁴¹⁸ Ukwuani territories remained incommunicado to the agents of Great Britain until the late nineteenth

⁴¹⁶ See: NAI, CSO 26, No. 29300, R. S. Mallinson, An Intelligence Report on the Kwale-Ibo Clans, Warri Province, 1934; Chukwuemeka Ojione Ojieh, 'Interrogating the Democratic Character of Ukwuani Political System: A Study in Indigenous Knowledge Systems and Governance,' in *Abraka Humanities Review*, Vol. 7, No. 1, 2016; John Chukwuemeka Oluka-Nwaeze, 'The Ukwuani and their Neighbours, 1590-1970,' *Journal of the Historical Society of Nigeria*, Vol. 18, 2009; Alexander A. Nzei, 'Women and Power: A Case Study of the Ndokwa-Igbo Speaking People West of Niger River, Nigeria,' Unpublished M.Sc. Thesis, University of Nigeria Nsukka, 1992; Obaro Ikime, 'Native Administration in Kwale-Aboh 1928 – 1950: A Case Study,' *Journal of the Historical Society of Nigeria*, Vol. 3, No. 4, 1967.

⁴¹⁷ These Expeditions were early attempts by the Church Missionary Society (CMS) to plant Christianity along the shores of the Niger River. See, S. Crowther, *Journal of an Expedition up the Niger and Tshadda rivers* (London: Church Missionary House, 1855); W. Allen and T. R. H. Thompson, *A Narrative of the Expedition to the River Niger in 1841, 2 vols* (London: Frank Cass co., Ltd, 1848); J. F. Schon and S. Crowther, *Journals of the Expedition up the Niger, in 1841 with Appendices and A Map* (London: Hatchard, 1842).

⁴¹⁸ The Aboh, though related to the Ukwuani in language are, treated separately even in European accounts as a Kingdom which had its own relationship with the British.

century when contact was established in the form of consular visits. Indeed, the penetration and subsequent influence of the agents of Great Britain into Ukwuaniland began in April 1896 with the visits of Assistant District Commissioner Hugh Lecky, who, as the man on the spot, facilitated a diplomatic colonisation process through treaties.

As indicated earlier, with the inauguration of Sapele and Warri as district offices, both stations became staging posts for journeys into the hinterlands beyond the coasts. These journeys were in line with the emergent British FO policy of the time, which directed officials on ground to strive towards winning the trust and confidence of the indigenous peoples for purposes of developing trade with them.⁴¹⁹ This FO policy could be interpreted as a desire by the imperial power to engage more diplomatically with the indigenous peoples through contact and negotiation rather than by force. As has been discussed in chapter seven, with the appointment in January 1896 of Ralph Moor as Commissioner and Consul-General of the Niger Coast Protectorate, he set out immediately to extend Great Britain's control into Ukwuaniland. Moor subsequently gave approval for and directed assistant district commissioner Hugh Lecky to visit Ukwuani area and open it up for trade.

The incidents embodied in the report by Lecky to Moor on his visits to the 'Kwali' country, and Moor's own report to the FO, outlining the successes of Lecky's visits, makes for interesting reading and provides a clear and comprehensive evidence of the application of diplomacy as a first step by officials of Great Britain towards the eventual colonisation of the Ukwuani. From the report, Lecky's dealings with the Ukwuani connote a soft power approach, whereby diplomatic means rather than conquest by military forces was the central means adopted by Great Britain in the pacification of the people. However, it should be noted

⁴¹⁹ TNA, F. O. 2/99, Foreign Office Despatch, No. 19, 5 March 1896.

that, it remains a limitation to rely only on Lecky's report of his encounters with the Kwali country as sacrosanct given that the peoples' version of events is not available for comparison and validation. Nevertheless, the imperial reports remain most important in establishing the point of colonisation through treaty-making and use within the context of this study. They cannot be regarded as solely hagiographic and unreliable. Significantly, the reports reveal the colonial knowledge and diplomatic intents of the imperial power in relation to the people and their environment.

In this instance, unlike in earlier encounters with the Itsekiri and the Western Ijo before the Scramble, Great Britain's encounters with the Ukwuani were a bit different, given that this time, there was a focus on deliberately using certain tools such as knowing the geography of the people and their other characteristics as a form of cultural project to achieve peaceful colonisation. Lecky's report opens as follows:

According to instructions I proceeded to the Kwale country on the 8th instant with Capt. Ringer and an escort. Before leaving, I sent Toway on to arrange carriers and send messages to the people of Obiariku and Umutu to tell them I was coming. On arrival at Eku, Toway informed me the people of Obiariku would not believe it for a long time, but at length they sent a messenger through to the people of Umutu, who sent word back that they would be very pleased to see me.⁴²⁰

From this opening statement, clearly Lecky did not embark on the trip out of zeal, to impress his superiors, but rather, was deliberately directed to do so, and proceeding from Sapele, he passed through Urhobo towns already under treaty obligations beginning from Eku. Also, it was clear that Lecky's trip, as shall be demonstrated in his interactions with the people, was in line with the policy of the FO, which had earlier advised officials to endeavour to engage the people, win their confidence and explain the intents of the imperial power in a peaceful

⁴²⁰ TNA, F. O. 2/101, Lecky to Acting Commissioner, No. 10, 28 April 1896, Report of Imperial Expedition into Kwale Country, North of Urhobo Country (April 1896), P. 183.

manner. Significantly, the body of the report reveals that the people of Obiariku would not believe it for a long time that, the British were finally coming to visit them. As in the case of the Sapele Urhobo in chapter five, they were clearly enthusiastic about receiving the white-man as exemplified in the response of the Umutu, and this perhaps indicated how, unlike previous encounters with other groups, the British recognised their own ignorance of locals. As indicated further in Lecky's report, the people of Umutu exhibited warmth and welcomed Lecky and his party. This further strengthens suggestions by scholars that in some instances, indigenous agency was a factor in European expansion.

Furthermore, in the report, activities of internal interethnic problems in and between Ukwuani and Urhobo settlements were reported to Lecky. This was suggestive of the fact that both groups, the Urhobo and the Ukwuani were already aware of the white man's political influence, understood as a mediator between locals. It was a case of recognizing the capacity of the British official to help to resolve local squabbles and issues within and between towns. The significance of this must be understood within the context of 'agency', of locals freely inviting the British to interfere in their internal matters. Indeed, in Lecky's words:

We proceeded on the 9th from Eku in three canoes with escort, provisions, & c., and arrived at Ajulumi that morning. Feto, the Headman (sobo), said he would like to have a talk to me, and he told me that the people of Meyes Town and Dumagbassa were always seizing people and preventing the Sobo and Kwales from trading with each other....Left Ajulumi on the 10th ... and arrived Meyes Town. I saw Meyes and told him that I had heard he had been seizing people and produce and that I should want to see him on my way back. He promised to come to Ajulumi.⁴²¹

Though Lecky's mission to the Kwale country was ultimately successful in terms of the two treaties concluded with Obiaruku and Equaiku (most likely Akoku), but from the above and

⁴²¹ Lecky's Report, P.183.

from Moor's despatch to the FO on the outcome of the journey, it remains clear that Lecky was not hesitant to carry out the central parts of his mandate which included opening up friendly communications with the people and assist in the settlement of squabbles and differences between and amongst them considered inimical to the development of trade.⁴²² In this regard, Lecky solved several palavers between and amongst several settlements, but especially, complaints involving one *Meyes* and the people of *Dumagbassa*, who apparently were engaged in seizures of goods and peoples. Here was an imperial official, the man on the spot, immersing himself peacefully, in the internal affairs of the people, akin to what Consul Beecroft did in his relations with the Itsekiri in the 1850s. In this vein, the people of Umutu complained to Lecky about how the people of Umoquota (most likely Umukwuata) stopped the (Umutu people) from coming to trade. These incidents of seizures in the Ukwuani country seemed akin to Ijo raids of trade canoes and goods earlier highlighted in chapter six, and they were pernicious practices which affected intra and inter groups relations in the Ukwuani areas prior to and within the period under review, and which extended up to the early twentieth century, warranting punitive actions from the protectorate government ostensibly to safe guide trade and contain trouble areas.

There is no doubt that the significant point of Lecky's journey to the Ukwuani country remains the treaties he concluded with the people. Up to the time of Lecky's mission, the Ukwuani seemed politically connected to the Benin Monarch. This much was revealed to Lecky by his guide *Ikpoh* who informed Lecky that yearly, the king of Benin visits the source of the Ethiope River to make human and other sacrifices, and that Solugbi, a town on the other side of the river and about two hours march from Obiariku, belonged to the king of

⁴²² TNA, F. O. 2/101, Ralph Moor to Foreign Office explaining purpose of Lecky's journey to Kwale, No. 58, 18 July 1896.

Benin.⁴²³ Again, according to Ikpoh, at an earlier time when he (Ikphoh) was guiding Ajaie (likely a local agent of the Niger Coast protectorate) through Umutu on his way to the Chief of Agabbon (most likely the Ika settlement of Agbo, east of Ukwuani), the peoples of Umutu reported him (Ikphoh) to the king of Benin who sent to catch him and kill him, and they had to pay (10) bags of cowry (the local currency) to get him off.⁴²⁴ Clearly, Benin influence was paramount around these areas before the events of the 1897 expedition against the kingdom. Indeed, in his meeting with the people of Obiariku on the 11 April, the people complained to Lecky that the Benin people of Solugbi always gave them – Obiariku, a lot of troubles as all their farmlands were on the other side of the river. This narrative of Benin influence on the area most likely influenced Lecky's determination to quickly conclude a treaty with the people as a means to stem any further overlordship Benin exercised in the area, curtail the advances of the RNC, which by the accounts of Ikpoh had been trying to negotiate for a treaty with Obiariku, and also as a measure to stamp the presence and authority of the protectorate government in Ukwuani territories. In the words of Lecky in the body of his report he affirmed this:

He (*Ikphoh*) also said that the Niger Company had been trying to negotiate for a treaty at Obiariku but that they did not want to make one with them...I held a meeting with the Chiefs of Obiariku on the 11 April...As the Obiariku people are a mixture of Kwali and Sobo I made a treaty with them, thinking that the king of Benin would leave them alone when he know they had one.⁴²⁵

Again, it remains clear that, concern for the influence of the Benin Empire on the Ukwuani was of importance to the agents of Great Britain in their bid to bring the territory under their control, and perhaps, this was also likely an influence in the way the locals received Lecky

⁴²³ Lecky's Report, P. 184.

⁴²⁴ Ikphoh's account of his guiding Ajaie through Umutu to Agabbon in Lecky's report, P. 185.

⁴²⁵ Lecky's Report, Pp. 184-186.

and his party. This much was emphasised in Ralph Moor's despatch to the FO explaining the purpose and outcome of Lecky's visit in which he outlined that, the general objective of the journey was to establish friendly relations with the chiefs and peoples of the Ukwuani country around the territory of the king of Benin in order to open up the country of king of Benin through peaceable means if possible.⁴²⁶ Whether the activities of the king of Benin ceased in and around the Ukwuani areas after the treaty with the Obiariku is not known. However, by 1897, officials of Great Britain had ample cause to visit Benin, leading to the renowned Benin Massacre and the consequent punitive expedition mounted against the Benin Kingdom.⁴²⁷ The issues and events of that encounter between the Benin Kingdom and Great Britain are outside the purview of this study.

In the body of Lecky's report, the negotiations leading up to the signing of the treaty with the Obiariku are not stated, it is safe to conjecture that as with other treaty-making episodes of this study, the people were gathered and the intents of the imperial power were explained to them through interpreters who were often the escorts and guides of the British party, while Ikpoh, and Toway affixed their marks as witnesses to the treaty.

The terms of the Obiariku treaty were the same as the Treaty concluded with the Owe of Isoko in chapter seven. It had nine articles addressing issues of sovereignty, external relations, jurisdiction, trade, and religious matters. As was the case with other treaties examined in this study, article one assumed that the Chiefs and people of Obiariku requested

⁴²⁶ TNA, F. O. 2/101, Ralph Moor to Foreign Office explaining purpose of Lecky's journey to Kwale, No. 58, 18 July 1896, P. 180.

⁴²⁷ TNA, F. O. 403, Confidential Files Relating to the Niger Lands, 1893-1899; UK Parliamentary Papers (PP), Cd. 1898, *Papers Relating to the Massacre of British Officials Near Benin and the Consequent Punitive Expedition*, Vol. LX, August 1897; UK Parliamentary Papers (PP), Cd. 1899, *Nigeria and Correspondence Relating to the Benin Territories Expedition*, Vol. LXIII, 1899; Bacon, Commander R. H., (Royal Navy), *Benin, the city of Blood* (London: Edward Arnold, 1897); Boisragon, Capt. Alan, *The Benin Massacre* (London: Methuen and Co., 1897).

her Majesty, the Queen's protection, and undertook to be under her authority and jurisdiction. Once concluded and affixed with the marks of the indigenous chiefs, this article and its wordings significantly bestowed on the officials of Great Britain legitimacy to assert sovereignty and control over the indigenous peoples and their territories.

Further developments from the body of the report shows that, Lecky was apparently not satisfied with the sole treaty concluded with the Obiariku as a guaranty for strengthening the control of Great Britain over Ukwuaniland in the face of the perceived rival imperial machinations of the Benin Empire. Consequently, having been informed by the people of Obiariku and Umutu respectively that Equaiku (apparently Akoku), was the largest as well as chief town of the Ukwuani, Lecky resolved to meet with the chiefs and peoples of the largest settlement in Ukwuaniland and conclude a treaty with them. In the words of Lecky:

Having heard that Equaiku is the largest place in this part of the Kwali country and that Umutu was a village belonging to it, I thought it advisable to go there via Umutu, so left Obiariku on the 12th to Umutu. As we reached (Umutu), Adonisakar Emizawar, the Headman informed me when I asked him to come on to Equaiku to get all the chiefs to sign the treaty for that part of the country, that all the towns were continually fighting with one another, so I told him I would make a treaty with Equaiku and try and make them all friendly and if that did not answer would make treaties with all the principal towns when I have the time and call a meeting of the different chiefs of these towns to a place to be agreed upon, to settle their palavers.⁴²⁸

A pertinent point deducible from Lecky's submissions above was that, from the account given by Adonisakar Emizawar, who was most likely the chief of Umutu, there was apparent inter-communal fights or wars which had one way or the other led to the breakdown of inter-community relations and engendered security problems. Moreover, the gravity of the situation could be gleaned from the refusal of the chiefs of Umutu to have anything to do with Equaiku in their meeting with Lecky, even when they acknowledged Equaiku as their

⁴²⁸ Lecky's report, Pp. 185-186.

chief town. Another point to note was Lecky's desire to bring the fighting or warring parties together for settlement after a treaty with Equaiku and where such a single treaty does not achieve the objective, to go further to conclude treaties with all the major towns and even call a meeting of all the stakeholders with the intent to resolve their differences. Lecky was clearly following through the FO's directive to win the trust and confidence of the locals through diplomacy and not force. On the other hand, in bringing their problems before the imperial official, the locals were exhibiting agency in the encounter process. This fact of Lecky negotiating peace (mediation) between different local groups remains germane and very interesting within the context of peaceful colonisation of this study. Importantly, within the context of the dominant existing historiography by historians of Nigeria, clearly, from Lecky's mediation efforts, British reputation was less about gunboat diplomacy, but more of trade and treaty diplomacy in this case.

Lecky and his party left Umutu on the 13th and arrived Equaiku (Akoku) where, he called a meeting of the chiefs, but the session could not hold because the chiefs were not all ready to meet with him on that day. On the next day, Lecky met with the chiefs, presented them with gifts and concluded a treaty with them, whereby the chiefs affixed their marks to the treaty. Lecky and Captain Ringer signed on behalf of the protectorate government, while Ikpoh signed as witness after having explained the contents of the treaty to the supposed understanding of the people.⁴²⁹ This treaty in its terms were the same with the one concluded with the Obiariku. It addressed territorial, sovereign, juridical, and trade issues as well. The point to emphasize remains that, its conclusion as in the other treaty-making episodes of this

⁴²⁹ The two treaties are enclosed in Ralph Moor's despatch to the Foreign Office explaining the purpose and outcome of Lecky's Journey to Kwali country; TNA, F. O. 2/101, Ralph Moor to Foreign Office explaining purpose of Lecky's journey to Kwale, No. 58, 18 July, 1896.

study, conferred on the officials of Great Britain political and sovereign rights to claim and effect control over the indigenous peoples.

There are some significant points in Lecky's visit to the Ukwuani country in general and the treaty-making episodes. For purposes of driving home the argument of peaceful colonisation of Ukwuaniland by Great Britain, these need to be highlighted. In the first instance, it remains clear that the people were enthusiastic to receive Lecky and his party. This was demonstrated at Equaiku where on his arrival on 13 April, the people brought presents to him and gathered all the small children in the town to dance for his entourage. Again, it is discernible that, on the next day when the treaty was concluded, the people showed further enthusiasm by welcoming his party with a grand reception and said that they were pleased to see the officials of Great Britain in their domain. Lecky and his party spent two nights at Equaiku, departing on the 15th. This welcoming disposition of the people resonates with suggestions that internal circumstances within indigenous societies aided the colonisation process in some cases. Clearly, this instance of Lecky's encounters with the Ukwuani fits into this wider view of indigenous agency as a factor in the colonisation process. Indeed, the narrative of the events that transpired further after the conclusion of the treaty between Lecky and the people makes for interesting reading:

After signing the treaty and receiving the present they (people) said they were ashamed to take it (present), as to see the white-man was enough for them, and when they were going away gave us a big shout for which in return we gave them a general salute. In the afternoon all the Headsmen came and gave us a goat as present, and virtually the same thing was said as in the meeting and also gave a big dance of all the women in the town in our honour. One very old woman evidently the widow of a big chief called us to her house and said how pleased everyone was that the Consuls had

come to see them at last. The chiefs said they hoped we would more often come there, and that they would do anything they were told.⁴³⁰

As earlier said, it remains a limitation to rely solely on Lecky's report on his encounters with the Ukwuani, given that the version of the people is not available for a comparative analysis. Nevertheless, as has been noted in chapter five, the people of Sapele expressed similar enthusiasm and sentiments when Consul Macdonald visited their area in 1892.⁴³¹ Thus, this trend of welcoming officials of Great Britain by indigenous groups was not new and surprising. Indeed, the outcome of the journey sits firmly well with its objective which, as has been pointed out involved opening up friendly communications with local groups, and where possible assist them to settle disputes and other problems inimical to the free flow of trade.

This desire to immerse themselves in the affairs of the people and settle differences between and amongst the indigenous groups considered damaging to the free flow of trade in Kwali country seemed of great concern to the imperial officials. Again, as a second instance of interesting developments from Lecky's journey, it is noticeable that even after the treaties with Obiariku and Equaiku, and upon departing Equaiku, Lecky's disposition and activities in the towns he visited on his return journey exemplified a show of great interest in ensuring peace and order in the Ukwuani territories for trade and empire-building. As recorded by Lecky, he stated that:

We left Equaiku on the 15th and passed Ebedi, Amajagori and arrived at Umaquata (Umukwuata), the people there say that their head town is two hours south of that place and that the name of the head town is Ekou, Umaquata and Ebedi are fighting. I promised to come back and try to settle their palavers as they seemed very anxious and make treaties with Ebedi and Ekou town. These two towns hold all the roads to

⁴³⁰ Lecky's report, P. 186.

⁴³¹ TNA, F.O. 84/2111. Macdonald's dispatch to the Marquis of Salisbury, No. 30, 12 December 1891, Pp. 471-472.

the waterside and there is a quantity of produce in then waiting to get through. We arrived at Obiariku, noon, found several small palavers to settle and stayed next day. Arrived at Ajalumi on the 17th and held a palaver. Ayetopo the chief of Abakar country sent his messenger through to complain about Meyes and the people of Dumagbassa...Meyes promised to come to Ajalumi and also the people of Dumagbassa, but failed to do so, although a lot of their people did, there were about fifteen cases of seizures against these people ranging from 1 month to 10 months old. I inquired into them and told the people that if they did not give back the seizures before I returned, they would be severely punished. As both these towns (Meyes town and Dumagbassa) belonged to Uria, I would suggest their subsidy be stopped as they do not trade and appear to live on what they can seize from other people.⁴³²

Clearly, from the above, Lecky's mediation efforts underscores the desires of an imperial official to establish peaceful relations with locals and enthrone peace between and amongst different indigenous groups on the one hand, and to also protect British trade interests, in the process showing locals that the imperial power could enforce rule of law if the need arises.

An intriguing point is why the Ukwuani communities were quick to refer their internal and inter community problems and palavers to the British official for settlement upon his visit? Was this suggestive of a possible breakdown of indigenous socio-political systems of governance in these places or indicative of the respect the people had of the British having already heard of their dealings with neighbouring groups such as the Urhobo? These questions remain imperative in view of the fact that in the instances of inquiring into the cases of seizures, Lecky averred that the perpetrators would be severely dealt with. This was suggestive of the fact that, the agents of Great Britain were already even without having established formal instruments of administration, exercising some form of political and judicial control on the peoples merely on the strength of having concluded treaties with a few of their prominent towns. While there is no evidence to indicate that Lecky returned as promised to settle other fighting groups, or to conclude a treaty with Ekou and Ebedi as a

⁴³² Lecky's report, P. 187.

way of settling their differences, to all intents, the two treaties concluded peacefully with the Obiariku and the Equaiku served Great Britain's imperial designs in relation to the colonisation of Ukwuaniland.

A last point to be noted in Lecky's report was that, the missions also served as a means to plot and chart the geography of the Kwali country. On various occasions in the course of the expedition and in his interactions with various groups, Lecky asked about the sources of the Ethiope and Jamieson rivers, and upon his return journey he affirmed that the country was fertile with good roads and plenty of fallow trees.⁴³³ This was clearly a case of colonial knowledge of the people and their environment within the context of peaceful colonisation.

It is interesting to note that after these treaty-making episodes by Lecky with the Ukwuani, not much follow-up activity on the part of the protectorate government was carried out in these areas. In the intervening years between 1896 and 1900, there was a pause on the part of the protectorate government in setting up appropriate machinery for administration and day-to-day governance. Two developments may have informed the slow pace of setting up administrative machinery in place in Ukwuani after the conclusion of treaties. First, by 1897 the need to tackle the mighty Benin kingdom arose. As has been explained earlier, Benin emerged as a rival imperial power in the Ukwuani areas, and thus preoccupied the time and resources of Great Britain. The pausing of setting up governance institutions in Ukwuaniland for administration to tackle Benin might have made the British more popular in the eyes of the Ukwuani. It could have been a message to the locals that the British have the power but are not using it against the Ukwuani, but rather using it against a recalcitrant

⁴³³ Lecky's report, P. 187.

Benin. Secondly, this period also coincided with the revocation of the Charter of the RNC in 1899, so that, both developments bestowed on the protectorate government enormous responsibilities which had to be sorted out one after the other, before addressing other issues of administration and governance.

8.3 *British Consolidation*

In chapter seven, it was indicated that by 1900, Great Britain introduced new administrative and judicial measures to streamline its control over its newly inaugurated Protectorate of Southern Nigeria. The takeover of the former territories of the RNC by the protectorate government and the proclamations establishing Native Courts and a Supreme Court in April 1900 for the Southern Nigeria Protectorate set the tone for effective administration in the protectorate.⁴³⁴ The Native Courts in essence functioned as local government units involving the local people, but superintended by an official of Great Britain who as District Commissioner, oversaw all Native Courts under his jurisdiction. A salient provision of the Native Courts Proclamation germane to British administrative plans was Clause XII which stipulated that anywhere a Native Court was established in the district, the civil and criminal jurisdiction of the Native Court would supersede all other native jurisdictions in such places.⁴³⁵ Now, the significance of this clause must be understood in legal and political terms as it affected later developments in Ukwuaniland and other aspects of this study. This Clause, presupposed that the Native Courts, though manned by indigenous chiefs, would dispense justice according to British law. This was clearly a transposition of European ideas on indigenous peoples as indicated in chapters two and three.

⁴³⁴ TNA, C. O. 1071/342, Southern Nigeria Reports, 1896 - 1913, P. 14; UK Parliamentary Papers (PP), Cd. 2684-58, *Colonial Reports: Annual, No. 512, Southern Nigeria*, 1905, p. 34.

⁴³⁵ TNA, C. O. 588/1, The Native Courts Proclamation, 1901.

The dominant view by historians of Nigeria on British acquisition of the Ukwuani areas begins generally from 1900, a time of British military activities in the area. The accounts speak of intensified use or threat of force on the part of the officials of Great Britain as the biggest and most important factor which enabled the British to colonise the peoples. This narrative also speaks of the peoples' dogged resistance to European intrusion into their abodes.⁴³⁶ While this dissertation does not dispute the use of force by the agents of Great Britain for colonisation in other parts and even aspects of the study areas of Nigeria, the evidence points to the fact that use of force was not the preferred first choice and central means employed to achieve the objective of colonising the Ukwuani. Where force was used, it came much later after peaceful treaty diplomacy had been used to gain territorial and sovereignty rights. Thus, beginning from the early years of the twentieth century up to the amalgamation of the Northern and Southern Protectorates in 1914, instances of military patrols by the military forces of the protectorate government were responses to contain trouble spots, so as to open up the interior for free trade to flourish. Importantly, as indicated in ensuing sections, the military patrols of the British in Ukwuaniland were greatly influenced by developments further away in the Asaba area, north-east of Ukwuaniland, where a local uprising had begun against the imperial power.

Indeed, it is worth noting that, while the imperial power did use force against aspects of the Ukwuani in the early twentieth century, the colonisation process began as already indicated, much earlier in 1896, long before the military patrols were commissioned. This remains so because, British political and administrative control through Native Courts only

⁴³⁶ Toyin Falola, and Matthew M. Heaton, *A History of Nigeria* (Cambridge: University Press, 2008, p.106); Johnson Asiegbu, *Nigeria and its British Invaders, 1851-1920: A Thematic Documentary History* (Enugu: Nok Publishers, 1984); Obaro Ikime, *The Fall of Nigeria The British Conquest* (London: Heinemann, 1977).

became a feature in Ukwuani areas from the 1920s when the Kwali and Aboh Divisions were created, much more later than expected after the treaties with the Obiariku and Equaiku.⁴³⁷ As has been noted in the course of this study, officials of Great Britain regarded the treaty signing episodes as a transfer of indigenous sovereign and political rights to them. Even though indigenous understandings of the contents of these treaties were deemed irrelevant within the circumstance by the imperial power, given that the Africans affixed their marks on the treaties was enough to effect transfer of political rights from the indigenes to the officials of Great Britain. Subsequently, in all cases, officials of Great Britain did not hesitate to rely on such concluded treaties as excuses for interfering in the political, economic and social systems of the indigenous peoples. Indeed, in the case of the Ukwuani, their fortunes were not different from those of the other groups of this study. Like the other groups, the treaty-making episodes and Lecky's self-imposed role – discussed earlier - as a neutral peace maker in the internal and inter-group palavers of the people must be seen as a desire by the imperial power to explore and use diplomatic means rather than force in incorporating the Ukwuani under British control. It must be emphasised that all subsequent developments and actions by officials of Great Britain followed earlier efforts of treaty-making with the chiefs and peoples, and should be taken as attempts by officials of the imperial power to enforce provisions of the treaties. It is in this light that subsequent developments in Ukwuaniland by the beginning of the twentieth century deserve closer examination.

There are two keys issues which need to be understood to make sense of British later military actions in Ukwuaniland. These two developments were the sacking of the Benin

⁴³⁷ NAI, CSO 26, No. 29300, Intelligence Report on the Kwale-Ibo Clans, 1934; Obaro Ikime, 'Native Administration in Kwale-Aboh 1928-1950: A Case Study,' *Journal of the Historical Society of Nigeria*, Vol. 3, No. 4, 1967.

Empire in 1897, and the Ekumeku uprising amongst the Asaba Igbo groups, north east of the Ukwuani. Both events clearly had some effects on internal dislocations within Ukwuaniland in the form of, outbreaks of brigandage and seizures which invariably affected trade and inter group relations and ultimately attracted military responses from the imperial power with the intent to contain trouble spots.

As indicated earlier, in the course of his treaty-making episodes, Lecky was inundated with reports of the influence of Benin on the Ukwuani as a rival imperial power. By 1897, the agents of Great Britain had cause to deal with Benin leading first to the Benin Massacre and subsequent punitive action against that Kingdom.⁴³⁸ Now, the Benin episode took much of the attention of the imperial power, including its military forces and personnel, so that little or no attention was given to Ukwuaniland between 1896 and 1900 after, the treaties with Obiariku and Equaiku.⁴³⁹ Almost at the same time when Lecky was concluding treaties with the Ukwuani, an incipient anti-colonial movement began to develop among the Igbo, North-East of the Ukwuani in the Asaba territories. The Ekumeku War, between the forces of Great Britain and the indigenous Western Igbo groups of the Asaba hinterland began to fester from about 1893 and lasted up to the amalgamation of the Southern and Northern Protectorates in 1914.⁴⁴⁰ In this instance of British expansion in the Asaba areas north-east of

⁴³⁸ The details of Benin – British relations are not the focus of this study, except to understand that the attention of the imperial power was diverted towards taking care of Benin and slowed down the consolidation process in Ukwuaniland. Sir Ralph Moor, the High Commissioner in his concern for dealing with the Benin Kingdom and the Ekumeku affirmed that the territories between Benin City and the Niger River required ‘firm measures to bring them under control.’ See, TNA, C. O. 520/3, Ralph Moor to Colonial Office, 31 September, 1900.

⁴³⁹ TNA, F. O. 403, Confidential Files Relating to the Niger Lands, 1893 – 1899; UK Parliamentary Papers (PP), Cd. 1898, *Papers Relating to the Massacre of British Officials Near Benin and the Consequent Punitive Expedition*, Vol. LX, August, 1897; UK Parliamentary Papers (PP), Cd. 1899, *Nigeria and Correspondence Relating to the Benin Territories Expedition*, Vol. LXIII, 1899.

⁴⁴⁰ For comprehensive coverage on the Ekumeku, see, Philip Igbofe, ‘Western Igbo Society and Its Resistance to British Rule: The Ekumeku Movement, 1898-1911,’ *Journal of African History*, Vol. 12, No. 3, 1973; Don

the Ukwuani, it was a case of employing coercive means openly to bring the people under the effective control of the imperial power. Again, like the case of dealing with Benin, the Ekumeku uprising took the attention of the civil personnel and military forces of the protectorate government away from other matters for some time. Thus, when troubles were reported in the Ukwuani hinterlands, it was a military column returning from the Asaba areas that was dispatched to deal with it in 1904.⁴⁴¹

As indicated in the epithet to this chapter, the military column of 1904 and others that followed were ostensibly to patrol the areas and open trade routes which were disturbed by the general malaise within Ukwuaniland, brought about indirectly by the sacking of the Benin kingdom, and the Ekumeku uprising. As has been noted, during Lecky's treaty-making episodes, several tales of seizures of peoples and goods as well as fighting between towns were brought before him as palavers, prominent amongst which was the reports involving Meyes and Dumagbassa. Recall that in these instances, Lecky promised to return and settle all, but could not do so immediately.

Despite the treaty-making episodes of Lecky, during this one example of British encounters with the Ukwuani, the imperial power was willing to apply force given the rampant cases of seizures of goods and inter-community wars, as indicated in Lecky's report. This was violence which might have been welcomed by some locals in the wake of seizures of peoples and goods. Clearly, British actions reflected the much later period of post treaty-making in which, the twin issues of the Benin episode and the Ekumeku uprising accentuated

Ohadike, *The Ekumeku Movement: Western Igbo Resistance to the British Conquest of Nigeria, 1883 - 1914* (Athens: Ohio University Press, 1991).

⁴⁴¹ As indicated in the epithet, the military column that arrived Ukwuani to contain trouble spots was returning from Asaba areas.

brigandage in Ukwuaniland. Thus, it is bad to use the post-treaty cases of British military patrols to generalise, as has been done in the standard Nigerian historiography, that British colonisation of Ukwuaniland was achieved mainly through violence. The evidence just does not support such a view.

In all, between 1904 and 1914 up to four military patrols were dispatched to Ukwuani areas to stop seizures and fighting between towns and to generally achieve lasting peace. The first operation in April 1904 under Major Hogg secured control of the Utagba-Uno areas without firing shots or bombardments, evidence that locals either were scared or partly supported the military action. Except for the village of Etua where a little altercation occurred, the rest of the territory appeared to willingly succumb to the imperial forces.⁴⁴² Between 7 and 15 October 1905, the imperial power had cause to send in another military patrol into Ukwuani hinterlands again. This time, two British officers, one British non-commissioned officer, and seventy rank and file soldiers supported by a Maxim gun were sent in to curtail what was described as local disturbances.⁴⁴³ Again, from 31 October 1905 to 27 January 1906, another regiment was dispatched to patrol the Kwale areas made up of six officers, two British non-commissioned officers, 212 rank and file soldiers, one 2.95 inch gun, and two Maxim guns under the command of Captain Margesson.⁴⁴⁴ Lastly, in early October 1914, due to the murder of forty one persons in Kwale including two Native Court officials and five messengers attached to the Abraka Native Court, and seventeen Hausas, the imperial power sent troops and police to the scene to arrest the trouble makers. This suggests

⁴⁴² TNA, C. O. 1071/342, Southern Nigeria Reports, 1896 – 1913, P. 50; O. E. Okolugbo, *History of Ukwuani and Ndosumili People of the Niger Delta* (Benin City, Nigeria: Ethiope Publishing Corporation, 2004).

⁴⁴³ UK Parliamentary Papers (PP), Cd. 2684-58, *Colonial Reports: Annual, No. 512, Southern Nigeria*, 1905, P. 48.

⁴⁴⁴ UK Parliamentary Papers (PP), Cd. 3729-18, *Colonial Reports: Annual, No. 554, Southern Nigeria*, 1906, Pp. 85-87.

a lot of local internal conflicts, not necessarily directed at the British. What led to the killings is not readily available, but, the imperial power dealt with the supposed killers in a severe manner. All the murderers were tried by the Supreme Court of Southern Nigeria with forty two of them condemned to death.⁴⁴⁵ Clearly, this was an imperial power already exercising metropolitan style legal jurisdiction on a territory it had acquired earlier through peaceful diplomacy. Again, such a show of Britain's ability to enforce peace might have been welcomed by some in the face of brigandage and seizures within the period.

A few observations from these patrols deserve consideration. In the first place, from 1905, the military columns sent in to Ukwuaniland became substantial in number of military personnel and military hardware deployed. This perhaps reflects the magnitude of the disturbances, which warrants a bigger and stronger force to deal with. Secondly, what can be really made of the 1914 action of the Kwale in killing forty one persons? Was this a casual act of defiance or a probable concerted reaction to alien rule? Given the treaty-making episodes earlier discussed and the outbreak of insecurity engendered by the issues of dealing with the Benin kingdom, the Ekumeku War and internal seizure of peoples and goods that were inherent in Ukwuani areas, it was clear that the various unrests and troubles which warranted the sending in of patrols by the imperial power were more or less stirred up by these elements. There is no evidence to support any assumption that the people organized and presented a common front or active resistance or opposition against the expansion of Great Britain into their territories. No major wars such as those with the Benin and the Ekumeku were fought with the Ukwuani, and the few military patrols were despatched to quell symptoms of unrests and troubles.

⁴⁴⁵ UK Parliamentary Papers (PP), Cd. 8172-4, *Colonial Reports: Annual, No. 878, Southern Nigeria*, 1914, P. 28.

8.4 *Chapter Summary*

This chapter has demonstrated how the Ukwuani were colonised by the British Empire. Evidence clearly indicates that like the other groups of this study, peaceful treaty-making was the initial means employed by the British as a central instrument in the acquisition of Ukwuani territories. Though, the popular historiography presents a narrative that suggest the Ukwuani territories as an unquiet and troublesome area with perpetual disturbances and indifference to British expansion, which warranted the use of force by the British to subdue them, the evidence reveals a contrary paradigm. What has been indicated was that as with other cases of this study, the British in their characteristic style desired peaceful relations with the people and proceeded to conclude treaties with the Ukwuani as a first diplomatic step towards colonisation. In doing so, the concluded treaties provided the leeway for Great Britain to exert her political authority on the people and all subsequent developments became anchored on the provisions of the treaties earlier concluded.

It has been demonstrated that Lecky's visits to the Ukwuani hinterlands in 1896 set the tone for the initial and gradual penetration of Great Britain into Ukwuaniland. The two treaties subsequently concluded with the Obiariku and the Equaiku to all intents and purposes bestowed on officials of Great Britain political and sovereign rights needed to get involved in the affairs of the people. Indeed, as seen from Lecky's report, the people indicated enthusiasm for the visit of the white man to their areas and without prompting, referred their internal and intergroup palavers to him for settlement. This was a clear testament of indigenous agency in the colonisation process.

Customarily, the British set up administration after treaty-making. For the Ukwuani, It was not until the 1920s that proper administrative structures in the form of Native Courts

and Native administration were established in Ukwuani areas. Before then, the Ukwuani were lumped into such Native Court system that had been established at Abraka, a neighbouring Urhobo treaty town. From 1901 when the Native Courts Proclamation was enacted, the imperial power had already started the process of establishing Native Authorities in centres of power amongst the various groups, so that by 1905, ninety one Native Courts were set up in the whole of Southern Nigeria. This Lugardian system of indirect rule, using the existing political structures of the indigenous people as a tool for governance would later dictate the establishment of the Kwale-Aboh Native Administration in 1928. In doing this, the officials of the imperial power considered Aboh as a more centralized political unit with the inherent characteristics equivalent to that of the Benin, Itsekiri and the Emirates in the north of Nigeria, essential for effecting wider political and juridical control. But, what the British failed to realize was that despite the tenuous connection the Ukwuani had with the Aboh kingdom, the former was never under the direct influence of the latter. In future, this fact was realized, and reorganization was effected to separate the Ukwuani from the Aboh under different Native Authorities.⁴⁴⁶

Subsequent developments in Ukwuani territories such as the military patrols and the late establishment of Native Courts were as a result of internal and external factors. The external factors border on the actions of the imperial power in dealing with the Benin empire to the north of the Ukwuani and the Ekumeku uprisings against the British mounted by the Igbo groups North-East of the Ukwuani. The various military patrols in the early twentieth century were directed at curtailing trouble areas. They did not represent a first step by the

⁴⁴⁶ J. C. Oluka-Nwaeze, 'The Ukwuani and their Neighbours, 1590-1970,' *Journal of the Historical Society of Nigeria*, Vol. 18, 2009; O. Ikime, 'Native Administration in Kwale-Aboh 1928-1950: A Case Study,' *Journal of the Historical Society of Nigeria*, Vol. 3, No. 4, 1967.

imperial power for forcefully colonising the people, nor did it amount to measures against indigenous forces resisting colonialism as the standard historiography portrays. Indeed, Great Britain's colonisation of Ukwuaniland did not follow a traumatic path of military conquest like some other aspects of Nigeria. This position in this study represents a shift from the dominant narrative by historians of Nigeria which emphasizes the arms superiority of the imperial power as the major factor that led to the subjugation of the people. The evidence of treaty-making, the friendly disposition of the peoples in welcoming the imperial agents, in which they exercised their agency – a free capacity to initiate and direct relations with the British, helps the analysis of this study to transcend the use of force thesis, and contend strongly that a combination of diplomatic means characterized and shaped Great Britain's colonisation of the Ukwuani.

Conclusion

The objective of this dissertation was to contribute to the discourse on Great Britain's colonisation of Nigeria. It has drawn attention to aspects of the colonisation process ignored or glossed over by the standard historiography. The aspects of wide use of treaties and African agency which shaped the encounter process between the case study groups and officials and agents of Great Britain within the period under review remains a positive contribution of this study. Evidence of the encounters between the case study groups – the Itsekiri, Urhobo, Western Ijo, Isoko, and Ukwuani- and Great Britain, derived from archives and other primary sources revealed that the colonisation of these few aspects of what became Nigeria was achieved mainly through diplomacy. It involved a combination of treaty-making, the role of men on the spot driving the imperial process peacefully, immersing themselves in the internal affairs of the people, and engaging in colonial knowledge of the groups as a form of cultural and diplomatic project. The process was also characterised by a high level of indigenous agency in some instances, in which conditions in the indigenous societies engendered locals collaboration with the imperial power, leading ultimately to colonisation.

In examining the extent to which treaties were used as a central and peaceful means by Great Britain to gain control of these groups of the Western Lower Niger between 1884 and 1914, the study explained the earlier philosophical and legal ideas behind European expansion. This use of treaties in the process of colonisation has not received adequate attention in the Nigerian historiography; rather, the existing standard historiographies often emphasised the theme of violent conquest, focusing on a few incidents. By grounding these incidents within the wider histories of local-British encounters, a much more nuanced understanding of colonisation is provided, one in which trade, diplomacy, and treaties were

key, not the rare use of violence. The revisionist argument of this study, by focusing in-depth on these regions, has shown how misleading it is to use a few cases of Great Britain's use of violence in Nigeria to generalise as the standard pattern of the colonisation process in all instances.

A closer look at the encounter processes between the indigenous peoples and officials of Great Britain indicated that the numerous treaties of protection concluded between parties served as a peaceful first step for the British towards colonisation. The problems associated with the treaties in terms of whether the people understood the implications of affixing their marks on them were noted. Indeed, treaties have often been dismissed because of this issue, but as other studies in other parts of the world (Canada, New Zealand, etc.) have indicated, treaties can still tell us a lot about the colonisation process. Thus, this study has added Nigeria to this important wider scholarship on treaty-making as a key part of the colonisation process. While we may never know how African signatories understood what they signed, there are still important clues to be gleaned from such an evaluation. Clearly, one of the keys ways in which treaties were significant was that once concluded, they conferred on officials of Great Britain sovereign, political and legal rights which were exploited by the imperial power to impose dominium and imperium over the peoples. It was a case of, as Steven Press has rightly suggested, grabbing swaths of territory using documents, not guns, as a weapon of choice.⁴⁴⁷

⁴⁴⁷ Steven Press, *Rogue Empires: Contracts and Conmen in Europe's Scramble for Africa* (Cambridge: Harvard University Press, 2017).

This dissertation also supports the findings of recent studies, such as Belmessous's broader investigation of European expansion through treaties from 1600-1900.⁴⁴⁸ Thus, this dissertation notes that the history of European expansion globally predates the Scramble for Africa. Specifically for Great Britain, expansion has been expressed in acquisition of colonies in the New World, Canada, Australia, and New Zealand long before the age of empire. In these places, the application of treaty-making as a means of territorial acquisition played out significantly, so that by the time of its application in Nigeria, it was a tradition that was simply carried forward from earlier times. Again, this study has shown that in the process of expansion, imperial officials and companies played significant roles, producing and using hundreds of deeds, purporting to acquire political and sovereign rights from indigenous peoples who as has been indicated, did not understand the contents and imports of the legal and political implications of the treaties they affixed their marks on. Nevertheless, this last fact was usually considered irrelevant as far as the imperialists felt they were operating within the ambits of their understanding of the prevailing notions of international law.

Indeed, the legal precedent of treaty-making and use for territorial acquisition which had been tested elsewhere before the Scramble was concretized at the Berlin Conference of 1884-1885, where the principle of effective occupation provided for powers to indicate legitimacy of their occupation of a particular territory by establishing institutions of governance. In this process, attention was not given to how Africans might view the actions of the Europeans. This was not surprising given the fact that, colonial rule was predicated on one group imposing their will upon another culminating eventually in a situation of

⁴⁴⁸ Saliha Belmessous (Ed), *Empire By Treaty: Negotiating European Expansion, 1600-1900* (Oxford: University Press, 2015).

domination and dependence, with the dominant group exerting its political, legal, cultural and social norms on the subordinate group. As indicated, this colonisation of others by European powers for economic and political gains was not peculiar to Africa and indeed Nigeria. But its intensification in the nineteenth century in what Eric Hobsbawm termed ‘the age of empire’ signified, a concerted interest on the part of European powers towards Africa leading to its partition and colonisation.⁴⁴⁹

How did treaty-making and use become a pivotal aspect of European expansion and imperialism in general? As chapter two reveals, treaties were considered valid within the context of European international law prior to and in the age of empire, so that by the time of the Scramble, they became significantly useful in legitimizing the process of territorial acquisition. As evidenced, earlier treaty-making with non-European peoples before the Scramble were templates which were carried forward. These legal templates which had grown from Roman times were expanded through the ages by legal theories, opinions and attitudes and ultimately employed for empire-building. Indeed, in the age of empire, the validity of treaty-making and use for expansion were reinforced and given credence by pseudo-legal postulations and treatises by publicists who emphasized the universalism of European notions of law in their relations with others.

In this vein, European notions of international law, including treaty-making and use for territorial acquisition became potent instruments in consolidating and legalising colonialism, as they were viewed as veritable tools considered even more virile than the

⁴⁴⁹ Eric Hobsbawm, *The Age of Empire, 1875-1914* (London: Abacus, 1987).

Maxim gun.⁴⁵⁰ Thus, in the hands of the officials and agents of Great Britain, colonisation was achieved by means of treaty diplomacy, as the treaties served as Saadia Touval has suggested, to support claims for international recognition of territorial acquisition in negotiations with rival European powers.⁴⁵¹ Again, as Akin Oyeboode has pointed out, the treaties were more or less like crude *diktats* ostensibly designed to herald British colonial rule.⁴⁵² Most importantly, the treaties served to impose upon the Europeans some form of obligation to so called, 'civilize the barbarians.' Ultimately, in the age of empire, and within the prevalent notions of international law as M. F. Lindley has noted, cession based on treaty whether obtained by force or willingly was taken as a legitimate means of territorial acquisition.⁴⁵³ This was more so considering, as Saadia Touval again has suggested that, whenever a European power referred to treaties concluded with African rulers in support of its territorial claim, the argument was often that it had acquired sovereign rights through the treaty and also that the treaties with the indigenes had obligated it toward the Africans which it – the colonial power would have to honourably uphold. In any event, despite any form of criticism that may be labelled at the treaties – in terms of whether the natives fully comprehended their true meanings or otherwise, the treaties served the self-interest of the European power in legalizing, pacifying and aided in the eventual takeover of the political and judicial rights of the territories of the signatories to these treaties. The important point to note in relation to the central theme of this study is that, the treaties concluded through

⁴⁵⁰ O. Adewoye, *The Judicial System in Southern Nigeria, 1854-1954: Law and Justice in a Dependency* (New Jersey: Humanities Press, 1977).

⁴⁵¹ Saadia Touval, 'Treaties, Borders, and the Partition of Africa,' *The Journal of African History*, Vol. 7, No. 2, 1966.

⁴⁵² Akin Oyeboode, 'Treaties and the Colonial Enterprise: The Case of Nigeria,' *African Journal of Comparative and International Law*, Vol. 17, No. 2, 1990.

⁴⁵³ M. F. Lindley, *The Acquisition and Government of Backward Territory in International Law: Being a Treatise on Law and Practice Relating to Colonial Expansion* (London: Longmans, Green and Co, 1926).

peaceful processes with the various peoples of this study were resorted to by Great Britain to justify and achieve colonialism.

Equally importantly, the close examination of treaties and surrounding diplomatic efforts has indicated the crucial role of the bridgeheads, or men on the spot, who shaped the imperial enterprise, often through a focus on trade and diplomatic engagement with indigenous peoples. Also, it has been shown how the collection of colonial knowledge of local people by imperial agents helped ensure a more peaceful colonisation than is normally recognised; when violence did occur, the lack of colonial knowledge is telling. Such an examination also illuminates the conditions on ground in the indigenous societies which influenced the peoples in some instances to warmly welcome officials of the imperial power to their abodes: violence and gunboat diplomacy were factors, but so were trade, protection from rival powers, and British mediation skills. Colonisation was not just about Great Britain's desire to colonise, for while there were power imbalances, indigenous peoples were not altogether passive victims in the colonisation process.

Furthermore, the role of a chartered company acting on behalf of an imperial power in the form of the Royal Niger Company resonated with a trend that had been applied elsewhere in Great Britain's global expansion. Significantly, the company's treaty-making enterprises on the Niger Basin prior to the Berlin Conference of 1884-85 played a major part in securing the Niger areas for the imperial power. These dynamics of the encounter process between the indigenous peoples and the agents of Great Britain in the age of empire deserved attention and provides fresh insights into our understanding of Great Britain's imperial machinations in Nigeria. In the case of the Western Ijo as evidenced in chapter five, their encounters with Great Britain were facilitated by the Royal Niger Company, which between

1884 and 1898 concluded up to thirty treaties with various Ijo settlements along the left and right banks of the Forcados River. In this process, the RNC acted just like other trading companies such as the East Indian Company, the New Zealand Company, the Hudson's Bay Company of Canada, which earlier, had all acted similarly on behalf of the British Crown through Charters. In the case of the RNC, it began its treaty-making episodes with the Ijo long before its Charter was granted in 1886. When by 1899 its charter was abrogated, its territories, which it gained in the first place through treaties, were all handed over to the Niger Coast Protectorate in 1900.

Perspectives about the use of force or threat of its use by the imperial power in colonisation often generalised the extent to which coercion was applied as a means of territorial acquisition. Even though evidences abound of Great Britain's use of force in her expansionary enterprise in other aspects of what became Nigeria, this study has not tried to suggest on the basis of the case studies used here that, the colonisation process was altogether peaceful. It gives credence to arguments that violence was used in several cases in Nigeria, but specifically for the case studies, a more complicated picture emerges. In these areas, colonisation through treaties defined the character of Great Britain's expansion between 1884 and 1914. While there were instances of use of force by the imperial power, but as demonstrated, these were always after treaties had been concluded, so that, the reaction by the imperial power was often influenced by and geared towards enforcing treaty clauses or containing 'trouble' areas. Therefore, to ascribe a blanket ascription of military conquest on the basis of the recorded few cases of punitive actions and military patrols negates the central place of colonisation through a combination of soft power, embodied in treaties, negotiation and diplomacy through, men on the spot and indigenous agency.

Furthermore, this study has revealed that there were no concerted reactions by any of the groups, whether individually or as a unit, against the encroachment of Great Britain into their territories. Any reason for this cannot be established given the reliance on British records alone. However, the cases of punitive expeditions and military patrols evidenced in this study does not amount to a reaction by the imperial power to crush or stop a unity of purpose by the indigenous peoples against imperial expansion. Nor does such isolated cases represents pictures of major confrontations between brave but poorly armed indigenous anti-colonialists against the single-minded imperialism of Great Britain.⁴⁵⁴ Instead, while the records are scant and clearly biased, there are suggestions that use of force often accompanied support from at least some local factions.

For instance, in chapters four and eight, the British punitive action against Nana and the military patrols in Ukwuani areas to contain troubles and seizures of goods received tacit support from locals. Clearly, as highlighted in chapters four and five, the appointment of the Governorship of the Benin River was a manifestation of indigenous agency. Later, Nana's stoppage of trade and the punitive action against him revealed a mix of internal Itsekiri political instability, local rivalries and economic concerns of the Urhobo to trade directly with the British. In all cases, the British simply manipulated these economic and political elements to its imperial advantage diplomatically. In Ukwuani areas, Lecky's visits revealed worries by locals about brigandage. Their entreaties to him to resolve palavers and tackle seizures, was also a reflection of indigenous agency in the encounter process. Given these instances, violence is a far too narrow characterisation of British expansion in Nigeria.

⁴⁵⁴ Ojeh, Chukwuemeka Ojione, 'The Ukwuani and the Europeans: A Study in European Aggression and African Resistance,' in O. D. Egonwa (Ed), *Abraka Studies in African Arts II The Humanities and Human Capital Development* (Abraka: Delta State University, 2011); Obaro Ikime, *The Fall of Nigeria: The British Conquest* (London: Heinemann, 1977).

Clearly, colonisation was a complicated affair, a process that was shaped by numerous factors.

Further Research

The case study design and methodology employed in this study engendered collation of substantial quantity of evidence on Great Britain's imperialism in the Niger Basin, using primary sources from Britain and Nigeria. Given that no two groups of this study experienced exactly the same scenario in their interactions with the imperial power, it would be helpful to conduct a further study of the conquest of other indigenous groups in Nigeria and their dealings with the officials and agents of Great Britain in the era of the Scramble for Africa. In particular, how were treaties and colonial knowledge used in such places? This has become imperative given the existence of the dominant narrative by historians of Nigeria that pictures colonialism in Africa as a process of violent conquest and subjugation of the indigenous peoples by the military forces of the imperial powers, while little or no attention is paid to non-coercive forms of imperial pacification and domination. Specific case studies are a valuable method of exploring exactly what happened on the ground and restoring a clearer agency to the Africans who lived in Nigeria at the time.

Another area for future research is a study of the legal system introduced by the British after treaty-making to achieve consolidation. The Native Courts served as legal and administrative institutions. Again, specific case studies would reveal how the different groups in Nigeria reacted to the new judicial and governance system. Significantly, given that the Native Courts were constituted of locals, but overseen by British District officers, studying this could reveal African agency in the post treaty phase colonial administration and illuminate a much clearer picture of indigenous collaboration in the colonisation process.

Conclusion

On the basis of the discourse, analysis and findings in this study, it remains evident that to a large extent a combination of treaty-making, the imperial men on the spot driving the process and indigenous agency in some instances ensured Great Britain's colonisation of the Itsekiri, the Western Ijo, the Urhobo, the Isoko and the Ukwuani indigenous groups of the Western Lower Niger between 1884 and 1914. The widespread use of treaty diplomacy by the imperial power, as a tool to gain control of the areas of this study was not unconnected with Great Britain's proclivity for form and legitimacy in its endeavour to impose its hegemony over the peoples of this study in the age of empire.

Indeed, it is a known fact that a major characteristic of the European Scramble for Africa was the need for imperial powers to indicate legal titles to territories to other powers. In this vein, the treaties served the purpose of evidence of title for a particular power over and above the claims of other imperial powers. But more importantly, the treaties served the other purpose of bestowing on the imperial power, political and legal rights to impose its hegemony on the indigenous peoples through the various clauses inherent in them and upon which the leadership of the indigenous peoples affixed their marks on. The process of gathering treaty signatories also seems to have been an important part of the process for ensuring local indigenous cooperation with colonisation and trade. It is on account of the foregoing that, this study contends that peaceful colonisation through a combination of factors beginning with treaty-making remains the preponderant and central instrument in the colonisation of the Itsekiri, the Urhobo, the Western Ijo, the Isoko and the Ukwuani by Great Britain in the age of empire.

Finally, the results of this study agree with existing studies that contend that, in the process of the Scramble for Africa, the means adopted by some imperial powers was not restricted to the violence option alone. What must be noted is that, the other possibility of treaty diplomacy was available and that in this case, Great Britain exploited it in its colonisation of some groups in the Western Lower Niger of Nigeria, the groups that constitute the case study of this dissertation. Any attempt to fully understand how Great Britain colonised the whole of Nigeria should take into cognizance the numerous treaties concluded with the various peoples and also study further the negotiation processes that led to the treaties, because the treaties, together with force served as the legal and diplomatic tools for Great Britain's empire-building enterprise and eventual ascendancy in Nigeria. Use of force alone should not be studied in isolation, as there are numerous aspects of Nigeria that did not experience British gunboat diplomacy.

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Appendices

Appendix A: 1884 British Treaty with the Itsekiri (JEKRI)

TREATY with ~~Kings and~~ Chiefs of *Jakri* - (river Benue)

Signed at _____

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., and the ~~Kings and~~ Chiefs of *Jakri* _____ being desirous of maintaining and strengthening the relations of peace and friendship which have for so long existed between them;

Her Britannic Majesty has named and appointed E. H. Hewett, Esq., Her Consul for the Bights of Benin and Biafra, to conclude a Treaty for this purpose.

The said E. H. Hewett, Esq., and the said ~~Kings and~~ Chiefs of *Jakri* _____ have agreed upon and concluded the following Articles:—

ARTICLE I.

Her Majesty the Queen of Great Britain and Ireland, &c, in compliance with the request of the ~~Kings~~, Chiefs, and people of *Jakri* _____, hereby undertakes to extend to them, and to the territory under their authority and jurisdiction, Her gracious favour and protection.

ARTICLE II.

The ~~Kings and~~ Chiefs of *Jakri* _____ agree and promise to refrain from entering into any

correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty's Government.

ARTICLE III.

It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the territory of Jakri is reserved to Her Britannic Majesty, to be exercised by such Consular or other officers as Her Majesty shall appoint for that purpose.

The same jurisdiction is likewise reserved to Her Majesty in the said territory of Jakri over foreign subjects enjoying British protection, who shall be deemed to be included in the expression "British subject" throughout this Treaty.

ARTICLE IV.

All disputes between the ~~Kings and~~ Chiefs of Jakri, or between them and British or foreign traders, or between the aforesaid Kings and Chiefs and neighbouring tribes, which cannot be settled amicably between the two parties, shall be submitted to the British Consular or other officers appointed by Her Britannic Majesty to exercise jurisdiction in Jakri territories for arbitration and decision, or for arrangement.

ARTICLE V.

The ~~Kings and~~ Chiefs of Jakri hereby engage to assist the British Consular or other officers in the execution of such duties as may be assigned to them; and, farther, to act upon their advice in matters relating to the administration of justice, the development of the resources of the country, the interests of commerce, or in any other matter in relation to peace, order, and good government, and the general progress of civilization.

ARTICLE VI.

The subjects and citizens of all countries may freely carry on trade in every part of the territories of the Kings and Chiefs parties hereto, and may

ARTICLE VII.

All ministers of the Christian religion shall be permitted to reside and exercise their calling within the territories of the aforesaid Kings and Chiefs, who hereby guarantee to them full protection.

All forms of religious worship and religious ordinances may be exercised within the territories of the aforesaid Kings and Chiefs, and no hindrance shall be offered thereto.

ARTICLE VIII.

If any vessels should be wrecked within the *Jakri* territories, the ~~Kings~~ Chiefs will give them all the assistance in their power, will secure them from plunder, and also recover and deliver to the owners or agents all the property which can be saved.

If there are no such owners or agents on the spot, then the said property shall be delivered to the British Consular or other officer.

The ~~Kings~~ Chiefs further engage to do all in their power to protect the persons and property of the officers, crew, and others on board such wrecked vessels.

All claims for salvage dues in such cases shall, if disputed, be referred to the British Consular or other officer for arbitration and decision.

ARTICLE IX.

This Treaty shall come into operation, so far as may be practicable, from the date of its signature, *except as regards Articles VI and VII which are to be left for negotiation on a future occasion.*

Done in duplicate on board H.B.M.S. "Hir" anchored in Beira river this sixteenth day of July 1884.

Edward Hyde Pomeroy.

<i>his</i>	<i>his</i>	<i>his</i>
<i>Kanna</i>	<i>Chaiomie</i>	<i>his</i>
<i>Govoroi</i>	<i>Kurna</i>	<i>his</i>
<i>Dudu</i>	<i>Thagomie</i>	<i>his</i>
<i>Ogwe</i>	<i>Etchui</i>	<i>his</i>
<i>Kafomie</i>	<i>Brigby</i>	<i>his</i>
<i>Mydwa</i>	<i>Peggy</i>	<i>his</i>
<i>Malla</i>		<i>his</i>
<i>Witness to above Signatures</i>		<i>his</i>
<i>Neo Hilliard</i>		<i>his</i>
<i>Chairman of Court of Equity</i>		

Appendix B: 1892 British Treaty with the Urhobo of Abraka

TREATY with ~~King and~~ Chiefs of *Abrakar*

ARTICLE I.

HER Majesty the Queen of Great Britain and Ireland, Empress of India, in compliance with the request of the ~~King~~ Chiefs, and people of *Abrakar*, hereby undertakes to extend to them, and to the territory under their authority and Jurisdiction, Her gracious favour and protection.

ARTICLE II.

The ~~King and~~ Chiefs of *Abrakar* agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty's Government.

ARTICLE III.

It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the territory of *Abrakar* is reserved to Her Britannic Majesty, to be exercised by such Consular or other officers as Her Majesty shall appoint for that purpose.

The same jurisdiction is likewise reserved to Her Majesty in the said territory of over foreign subjects enjoying British protection, who shall be deemed to be included in the expression "British subject" throughout this Treaty.

ARTICLE IV.

All disputes between the ~~Kingdom~~ Chiefs of *Abirakar*, or between them and British or foreign traders, or between the aforesaid ~~Kingdom~~ Chiefs and neighbouring tribes, which cannot be settled amicably between the two parties, shall be submitted to the British Consular or other officers appointed by Her Britannic Majesty to exercise jurisdiction in *the Benin and adjoining* territories for arbitration and decision, or for arrangement.

ARTICLE V.

The ~~Kingdom~~ Chiefs of *Abirakar* hereby engage to assist the British Consular or other officers in the execution of such duties as may be assigned to them; and, farther, to act upon their advice in matters relating to the administration of justice, the development of the resources of the country, the interest of commerce, or in any other matter in relation to peace, order, and good government, and the general progress of civilization.

ARTICLE VI.

The subjects and citizens of all countries may freely carry on trade in every part of the territories of the ~~Kingdom~~ Chiefs parties hereto, and may have houses and factories therein.

ARTICLE VII.

All ministers of the Christian religion shall be permitted to reside and exercise their calling within the territories of the aforesaid ~~Kingdom~~ Chiefs, who hereby guarantee to them full protection.

All forms of religious worship and religious ordinances may be exercised within the territories of the aforesaid ~~Kingdom~~ Chiefs, and no hinderance shall be offered thereto.

ARTICLE VIII.

If any vessels should be wrecked within the *Abakar* territories, the ~~Kings~~ Chiefs will give them all the assistance in their power, will secure them from plunder, and also recover and deliver to the owners or agents all the property which can be saved.

If there are no such owners or agents on the spot, then the said property shall be delivered to the British Consular or other officer.

The ~~Kings~~ Chiefs further engage to do all in their power to protect the persons and property of the officers, crew, and others on board such wrecked vessels.

All claims for salvage dues in such cases shall, if disputed, be referred to the British Consular or other officer for arbitration and decision.

ARTICLE IX.

This Treaty shall come into operation, so far as may be practicable, from the date of its signature.

Done in *triplicate* at *Abakar* this
ninth day of *May* 1892.

Witnesses:

John H. Lowman

Cyril Punch

Maffebi

Aye Popo

Afeita

his
X
mark.

his
X
mark.

his
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mark.

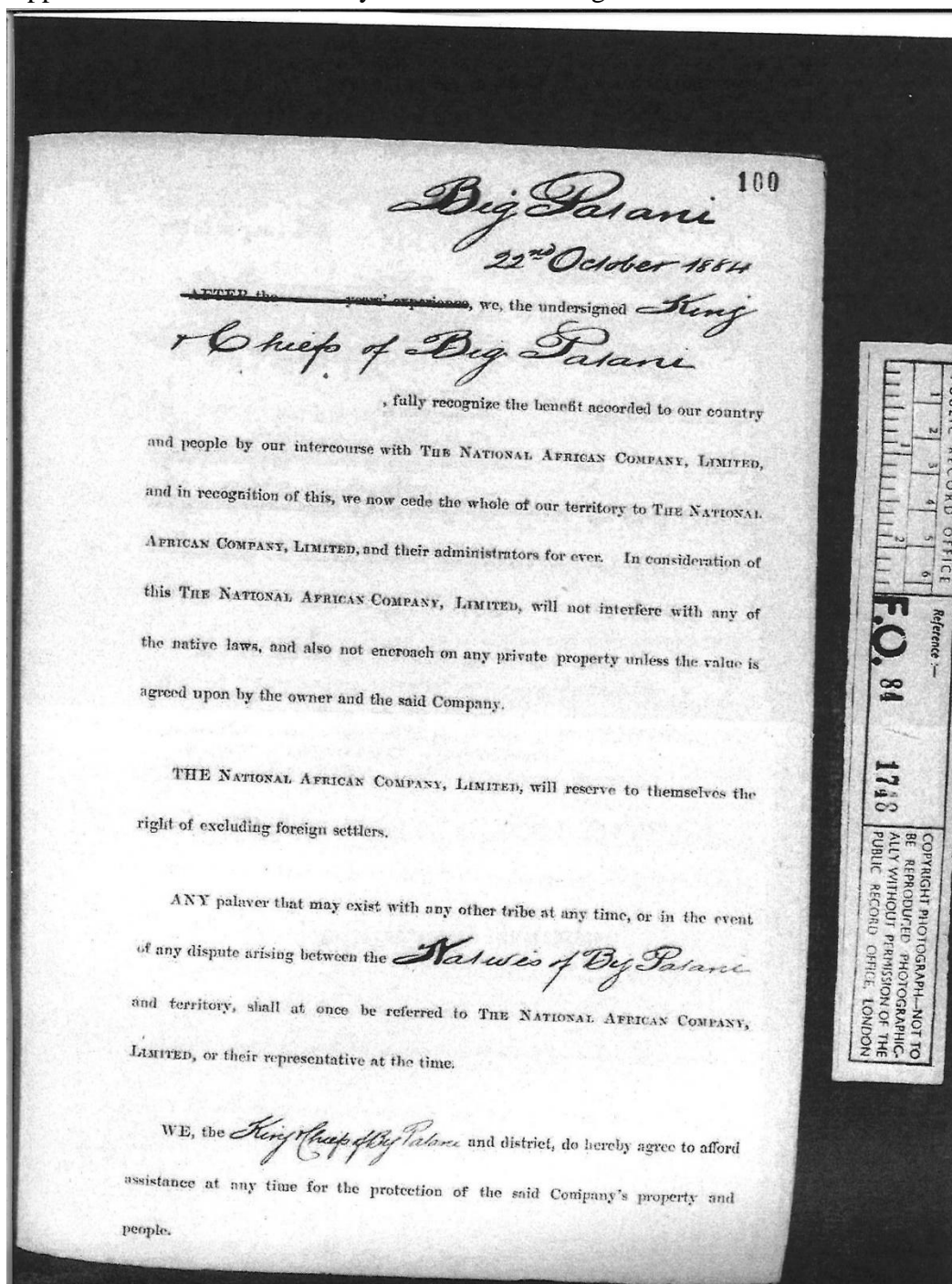
H. J. Hallway

Deputy Comr. & Vice Consul.
Benin District.

I hereby certify that I have fully interpreted and explained the above Treaty to the Chiefs in question and they understand its meaning *Herbert C. B. Parke*.

Interpreter.

Appendix C: 1884 RNC Treaty with the IJO of Big Patani



AS per mutual consent of the *King Chief of Big Papani*
of the foregoing agreement, THE NATIONAL AFRICAN COMPANY, LIMITED, agreed
to pay *Twenty five measures.*

DAVID MCINTOSH,

JP. THE NATIONAL AFRICAN COMPANY, LIMITED.

IN approval of the foregoing agreement, we, the *King*

Chief of Big Papani, do herewith affix our names as under.

WE, the undersigned, are wit-
nesses to the marks of the *King*
Chief of Big Papani
and also vouch for their understanding
what they have signed.

(*sig^d*) E. A. Bedford
(✓) E. P. Horne
(✓) H. J. G. Munday

Obodrape *Shew* x
Ayeri x
Abokie x
marks.

King Bulorlay *Shew* x
Chief apaupe x
✓ *Ebarr* x
✓ *Aumana* x
✓ *Dezgeth* x
✓ *Eggarak* x
✓ *Wohlouk* x
✓ *Bibrak* x
✓ *Opusck* x
✓ *Aumana Obro* x
marks.

I DO hereby declare that the foregoing agreement was duly and correctly
explained to the above *King Chief of Big Papani, and they fully*

~~understood it.~~

(*sig^d*) Isaac J. Palmer.

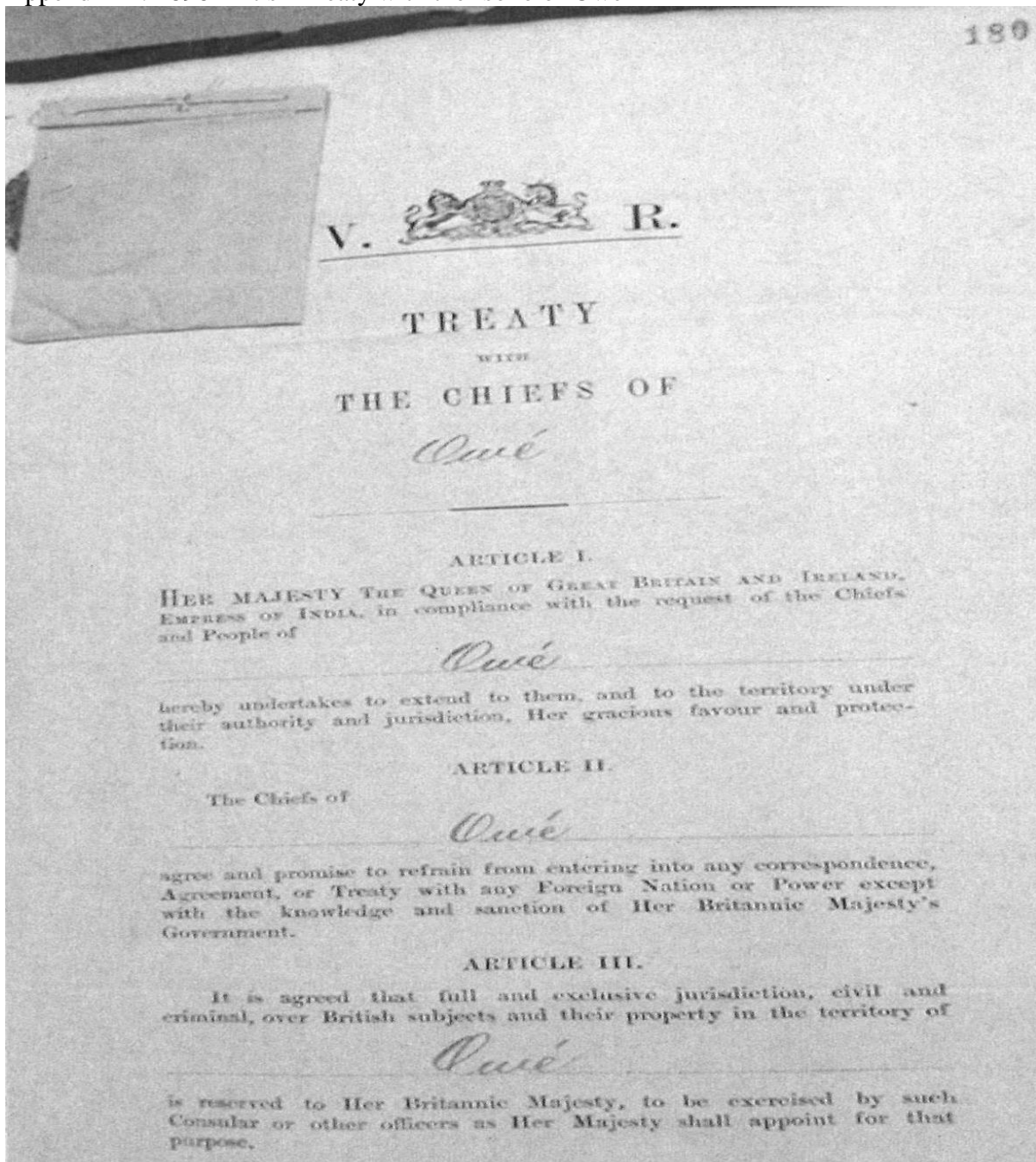
*I certify to the signatures of David McIntosh, Ed. Bedford
 E. P. Lowe, W. S. G. Munday and Isaac J. Pattee
 as being those of the persons themselves and further
 that a copy of this agreement has been handed
 home for registry in my Consulate.*

At Kassa, November 15th 1891. EDWARD HYDE HEWETT. 101

Consular Seal
 affixed here.

H. B. M.'s Consul.

PUBLIC RECORD OFFICE					
1	2	3	4	5	6
Reference —					
F.O. 84 / 1748					
COPYRIGHT PHOTOGRAPH—NOT TO BE REPRODUCED PHOTOGRAPHIC- ALLY WITHOUT PERMISSION OF THE PUBLIC RECORD OFFICE, LONDON					



The same jurisdiction is likewise reserved to Her Majesty in the said territory of

Owé

over foreign subjects enjoying British protection, who shall be deemed to be included in the expression "British subject" throughout this Treaty.

ARTICLE IV.

All disputes between the Chiefs of

Owé

or between them and British or foreign traders, or between the aforesaid Chiefs and neighbouring tribes, which cannot be settled amicably between the two parties, shall be submitted to the British Consular or other officers appointed by Her Britannic Majesty to exercise jurisdiction in

Owé

territories for arbitration and decision, or for arrangement.

ARTICLE V.

The Chiefs of

Owé

hereby engage to assist the British Consular or other officers in the execution of such duties as may be assigned to them; and further, to act upon their advice in matters relating to the administration of justice, the development of the resources of the country, the interests of commerce, or in any other matter in relation to peace, order, and good government, and the general progress of civilization.

ARTICLE VI.

The subjects and citizens of all countries may freely carry on trade in every part of the territories of the Chiefs parties hereto, and may have houses and factories therein.

ARTICLE VII.

All ministers of the Christian religion shall be permitted to reside and exercise their calling within the territories of the aforesaid Chiefs, who hereby guarantee to them full protection.

All forms of religious worship and religious ordinances may be exercised within the territories of the aforesaid Chiefs, and no hindrance shall be offered thereto.

ARTICLE VIII.

If any vessel should be wrecked within the

waters, the Chief will give them all the assistance in their power, will secure them from plunder, and also recover and deliver to the owners or agents all the property which can be saved.

If there are no such owners or agents on the spot, then the said property shall be delivered to the British Consul or other officer.

The Chiefs further engage to do all in their power to protect the persons and property of the officers, crew, and others on board such wrecked vessels.

All claims for salvage dues in such cases shall, if disputed, be referred to the British Consul or other officer for arbitration and decision.

ARTICLE IX.

This Treaty shall come into operation, so far as may be practicable, from the date of its signature.

Done in

Duplicate

at

Cebu

this 31st day of August

1896

Agwara & His mark

Anofani & His mark

Apayoma & His mark

Apehaya & His mark

Bedwa & His mark

Amugelis & His mark

Egbeda & His mark

Opaya & His mark

Anocheruwa & His mark

I hereby certify that I have fully explained & interpreted the above Treaty to the Chiefs in question & they fully understand its meaning

Georg. M. Oprewica

His & mark

M. G. S. S. S.

Asst. District Commissioner

Penang District

M. Campbell Lockhart

N. C. P. Free

Appendix E: 1896 British Treaty with Obiariku

Inclosure 2 in No. 1.

Treaty with the Chiefs of Obiariku.

ARTICLE I.

HER Majesty the Queen of Great Britain and Ireland, Empress of India, in compliance with the request of the Chiefs and people of Obiariku, hereby undertakes to extend to them, and to the territory under their authority and jurisdiction, her gracious favour and protection.

ARTICLE II.

The Chiefs of Obiariku agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty's Government.

ARTICLE III.

It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the territory of Obiariku is reserved to Her Britannic Majesty, to be exercised by such Consular or other officers as Her Majesty shall appoint for that purpose.

The same jurisdiction is likewise reserved to Her Majesty in the said territory of Obiariku over foreign subjects enjoying British protection, who shall be deemed to be included in the expression "British subject" throughout this Treaty.

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ARTICLE IV.

All disputes between the Chiefs of Obiariku, or between them and British or foreign traders, or between the aforesaid Chiefs and neighbouring tribes, which cannot be settled amicably between the two parties, shall be submitted to the British Consul or other officers appointed by Her Britannic Majesty to exercise jurisdiction in Obiariku territories for arbitration and decision, or for arrangement.

ARTICLE V.

The Chiefs of Obiariku hereby engage to assist the British Consular or other officers in the execution of such duties as may be assigned to them; and further, to act upon their advice in matters relating to the administration of justice, the development of the resources of the country, the interests of commerce, or in any other matter in relation to peace, order, and good government, and the general progress of civilization.

ARTICLE VI.

The subjects and citizens of all countries may freely carry on trade in every part of the territories of the Chiefs parties hereto, and may have houses and factories therein.

ARTICLE VII.

All ministers of the Christian religion shall be permitted to reside and exercise their calling within the territories of the aforesaid Chiefs, who hereby guarantee to them full protection.

All forms of religious worship and religious ordinances may be exercised within the territories of the aforesaid Chiefs, and no hindrance shall be offered thereto.

ARTICLE VIII.

This Treaty shall come into operation, so far as may be practicable, from the date of its signature.

Done in triplicate at Obiariku this 11th day of April, 1896.

(Signed)

HUGH LECKY, *Assistant District Commissioner.*

CHAS. H. RINGER, *Captain, Niger Coast Protectorate Force.*

AGBODIKE, his X mark.

OWERIKO, ditto.

NGWORO, ditto.

EKPOH, ditto.

ETURUGBO, ditto.

EREKEDO, ditto.

EREFERE, ditto.

I hereby certify that I have fully explained and interpreted the above Treaty to the Chiefs in question, and they fully understand its meaning.

(Signed)

TOWAY, his X mark.